

In the House of Representatives, U. S.,

September 28, 2010.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3619) entitled “An Act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.”, with the following

HOUSE ADMENDMENTS TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

1 *SECTION 1. SHORT TITLE; TABLE OF CONTENTS.*

2 *(a) SHORT TITLE.—This Act may be cited as the*
3 *“Coast Guard Authorization Act of 2010”.*

4 *(b) TABLE OF CONTENTS.—The table of contents for*
5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.

Sec. 202. Industrial activities.

Sec. 203. Reimbursement for medical-related travel expenses.

Sec. 204. Commissioned officers.

Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.

Sec. 206. Grants to international maritime organizations.

Sec. 207. Leave retention authority.

Sec. 208. Enforcement authority.

Sec. 209. Repeal.

Sec. 210. Merchant Mariner Medical Advisory Committee.

- Sec. 211. Reserve commissioned warrant officer to lieutenant program.*
- Sec. 212. Enhanced status quo officer promotion system.*
- Sec. 213. Coast Guard vessels and aircraft.*
- Sec. 214. Coast Guard District Ombudsmen.*
- Sec. 215. Coast Guard commissioned officers: compulsory retirement.*
- Sec. 216. Enforcement of coastwise trade laws.*
- Sec. 217. Report on sexual assaults in the Coast Guard.*
- Sec. 218. Home port of Coast Guard vessels in Guam.*
- Sec. 219. Supplemental positioning system.*
- Sec. 220. Assistance to foreign governments and maritime authorities.*
- Sec. 221. Coast guard housing.*
- Sec. 222. Child development services.*
- Sec. 223. Chaplain activity expense.*
- Sec. 224. Coast Guard cross; silver star medal.*

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Seaward extension of anchorage grounds jurisdiction.*
- Sec. 302. Maritime Drug Law Enforcement Act amendment-simple possession.*
- Sec. 303. Technical amendments to tonnage measurement law.*
- Sec. 304. Merchant mariner document standards.*
- Sec. 305. Ship emission reduction technology demonstration project.*
- Sec. 306. Phaseout of vessels supporting oil and gas development.*
- Sec. 307. Arctic marine shipping assessment implementation.*

TITLE IV—ACQUISITION REFORM

- Sec. 401. Chief Acquisition Officer.*
- Sec. 402. Acquisitions.*
- Sec. 403. National Security Cutters.*
- Sec. 404. Acquisition workforce expedited hiring authority.*

TITLE V—COAST GUARD MODERNIZATION

- Sec. 501. Short title.*

Subtitle A—Coast Guard Leadership

- Sec. 511. Vice admirals.*

Subtitle B—Workforce Expertise

- Sec. 521. Prevention and response staff.*
- Sec. 522. Marine safety mission priorities and long-term goals.*
- Sec. 523. Powers and duties.*
- Sec. 524. Appeals and waivers.*
- Sec. 525. Coast Guard Academy.*
- Sec. 526. Report regarding civilian marine inspectors.*

TITLE VI—MARINE SAFETY

- Sec. 601. Short title.*
- Sec. 602. Vessel size limits.*
- Sec. 603. Cold weather survival training.*
- Sec. 604. Fishing vessel safety.*
- Sec. 605. Mariner records.*
- Sec. 606. Deletion of exemption of license requirement for operators of certain towing vessels.*

- Sec. 607. Log books.*
- Sec. 608. Safe operations and equipment standards.*
- Sec. 609. Approval of survival craft.*
- Sec. 610. Safety management.*
- Sec. 611. Protection against discrimination.*
- Sec. 612. Oil fuel tank protection.*
- Sec. 613. Oaths.*
- Sec. 614. Duration of licenses, certificates of registry, and merchant mariners' documents.*
- Sec. 615. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.*
- Sec. 616. Merchant mariner assistance report.*
- Sec. 617. Offshore supply vessels.*
- Sec. 618. Associated equipment.*
- Sec. 619. Lifesaving devices on uninspected vessels.*
- Sec. 620. Study of blended fuels in marine application.*
- Sec. 621. Renewal of advisory committees.*
- Sec. 622. Delegation of authority.*

TITLE VII—OIL POLLUTION PREVENTION

- Sec. 701. Rulemakings.*
- Sec. 702. Oil transfers from vessels.*
- Sec. 703. Improvements to reduce human error and near miss incidents.*
- Sec. 704. Olympic Coast National Marine Sanctuary.*
- Sec. 705. Prevention of small oil spills.*
- Sec. 706. Improved coordination with tribal governments.*
- Sec. 707. Report on availability of technology to detect the loss of oil.*
- Sec. 708. Use of oil spill liability trust fund.*
- Sec. 709. International efforts on enforcement.*
- Sec. 710. Higher volume port area regulatory definition change.*
- Sec. 711. Tug escorts for laden oil tankers.*
- Sec. 712. Extension of financial responsibility.*
- Sec. 713. Liability for use of single-hull vessels.*

TITLE VIII—PORT SECURITY

- Sec. 801. America's Waterway Watch Program.*
- Sec. 802. Transportation Worker Identification Credential.*
- Sec. 803. Interagency operational centers for port security.*
- Sec. 804. Deployable, specialized forces.*
- Sec. 805. Coast Guard detection canine team program expansion.*
- Sec. 806. Coast Guard port assistance Program.*
- Sec. 807. Maritime biometric identification.*
- Sec. 808. Pilot Program for fingerprinting of maritime workers.*
- Sec. 809. Transportation security cards on vessels.*
- Sec. 810. Maritime Security Advisory Committees.*
- Sec. 811. Seamen's shoreside access.*
- Sec. 812. Waterside security of especially hazardous cargo.*
- Sec. 813. Review of liquefied natural gas facilities.*
- Sec. 814. Use of secondary authentication for transportation security cards.*
- Sec. 815. Assessment of transportation security card enrollment sites.*
- Sec. 816. Assessment of the feasibility of efforts to mitigate the threat of small boat attack in major ports.*
- Sec. 817. Report and recommendation for uniform security background checks.*

- Sec. 818. Transportation security cards: access pending issuance; deadlines for processing; receipt.*
- Sec. 819. Harmonizing security card expirations.*
- Sec. 820. Clarification of rulemaking authority.*
- Sec. 821. Port security training and certification.*
- Sec. 822. Integration of security plans and systems with local port authorities, State harbor divisions, and law enforcement agencies.*
- Sec. 823. Transportation security cards.*
- Sec. 824. Pre-positioning interoperable communications equipment at interagency operational centers.*
- Sec. 825. International port and facility inspection coordination.*
- Sec. 826. Area transportation security incident mitigation plan.*
- Sec. 827. Risk based resource allocation.*
- Sec. 828. Port security zones.*

TITLE IX—MISCELLANEOUS PROVISIONS

- Sec. 901. Waivers.*
- Sec. 902. Crew wages on passenger vessels.*
- Sec. 903. Technical corrections.*
- Sec. 904. Manning requirement.*
- Sec. 905. Study of bridges over navigable waters.*
- Sec. 906. Limitation on jurisdiction of States to tax certain seamen.*
- Sec. 907. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.*
- Sec. 908. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.*
- Sec. 909. Conveyance of Coast Guard property in Cheboygan, Michigan.*
- Sec. 910. Alternative licensing program for operators of uninspected passenger vessels on Lake Texoma in Texas and Oklahoma.*
- Sec. 911. Strategy regarding drug trafficking vessels.*
- Sec. 912. Use of force against piracy.*
- Sec. 913. Technical amendments to chapter 313 of title 46, United States Code.*
- Sec. 914. Conveyance of Coast Guard vessels for public purposes.*
- Sec. 915. Assessment of certain aids to navigation and traffic flow.*
- Sec. 916. Fresnel Lens from Presque Isle Light Station in Presque Isle, Michigan.*
- Sec. 917. Maritime law enforcement.*
- Sec. 918. Capital investment plan.*
- Sec. 919. Reports.*
- Sec. 920. Compliance provision.*
- Sec. 921. Conveyance of Coast Guard property in Portland, Maine.*

TITLE X—CLEAN HULLS

Subtitle A—General Provisions

- Sec. 1011. Definitions.*
- Sec. 1012. Covered vessels.*
- Sec. 1013. Administration and enforcement.*
- Sec. 1014. Compliance with international law.*
- Sec. 1015. Utilization of personnel, facilities or equipment of other Federal departments and agencies.*

Subtitle B—Implementation of the Convention

- Sec. 1021. Certificates.*
- Sec. 1022. Declaration.*

Sec. 1023. Other compliance documentation.

Sec. 1024. Process for considering additional controls.

Sec. 1025. Scientific and technical research and monitoring; communication and information.

Sec. 1026. Communication and exchange of information.

Subtitle C—Prohibitions and Enforcement Authority

Sec. 1031. Prohibitions.

Sec. 1032. Investigations and inspections by Secretary.

Sec. 1033. EPA enforcement.

Sec. 1034. Additional authority of the Administrator.

Subtitle D—Action on Violation, Penalties, and Referrals

Sec. 1041. Criminal enforcement.

Sec. 1042. Civil enforcement.

Sec. 1043. Liability in rem.

Sec. 1044. Vessel clearance or permits; refusal or revocation; bond or other surety.

Sec. 1045. Warnings, detentions, dismissals, exclusion.

Sec. 1046. Referrals for appropriate action by foreign country.

Sec. 1047. Remedies not affected.

Sec. 1048. Repeal.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2011 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$6,970,681,000 of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and off-shore facilities, vessels, and aircraft, including equipment related thereto, \$1,640,000,000, of which—

1 (A) \$20,000,000 shall be derived from the
2 Oil Spill Liability Trust Fund to carry out the
3 purposes of section 1012(a)(5) of the Oil Pollu-
4 tion Act of 1990, to remain available until ex-
5 pended;

6 (B) \$1,233,502,000 is authorized for the In-
7 tegrated Deepwater System Program; and

8 (C) \$100,000,000 is authorized for shore fa-
9 cilities and aids to navigation.

10 (3) To the Commandant of the Coast Guard for
11 research, development, test, and evaluation of tech-
12 nologies, materials, and human factors directly relat-
13 ing to improving the performance of the Coast
14 Guard's mission in search and rescue, aids to naviga-
15 tion, marine safety, marine environmental protection,
16 enforcement of laws and treaties, ice operations,
17 oceanographic research, and defense readiness,
18 \$28,034,000, to remain available until expended, of
19 which \$500,000 shall be derived from the Oil Spill
20 Liability Trust Fund to carry out the purposes of sec-
21 tion 1012(a)(5) of the Oil Pollution Act of 1990.

22 (4) For retired pay (including the payment of
23 obligations otherwise chargeable to lapsed appropria-
24 tions for this purpose), payments under the Retired
25 Serviceman's Family Protection and Survivor Benefit

1 *Plans, and payments for medical care of retired per-*
 2 *sonnel and their dependents under chapter 55 of title*
 3 *10, United States Code, \$1,400,700,000, to remain*
 4 *available until expended.*

5 *(5) For alteration or removal of bridges over*
 6 *navigable waters of the United States constituting ob-*
 7 *structions to navigation, and for personnel and ad-*
 8 *ministrative costs associated with the Bridge Alter-*
 9 *ation Program, \$16,000,000.*

10 *(6) For environmental compliance and restora-*
 11 *tion at Coast Guard facilities (other than parts and*
 12 *equipment associated with operation and mainte-*
 13 *nance), \$13,329,000, to remain available until ex-*
 14 *pended.*

15 *(7) For the Coast Guard Reserve program, in-*
 16 *cluding personnel and training costs, equipment, and*
 17 *services, \$135,675,000.*

18 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
 19 **AND TRAINING.**

20 *(a) ACTIVE DUTY STRENGTH.—The Coast Guard is*
 21 *authorized an end-of-year strength for active duty personnel*
 22 *of 47,000 for the fiscal year ending on September 30, 2011.*

23 *(b) MILITARY TRAINING STUDENT LOADS.—For fiscal*
 24 *year 2011, the Coast Guard is authorized average military*
 25 *training student loads as follows:*

1 (1) *For recruit and special training, 2,500 stu-*
 2 *dent years.*

3 (2) *For flight training, 165 student years.*

4 (3) *For professional training in military and ci-*
 5 *vilian institutions, 350 student years.*

6 (4) *For officer acquisition, 1,200 student years.*

7 ***TITLE II—COAST GUARD***

8 ***SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD*** 9 ***JUDGES.***

10 (a) *IN GENERAL.*—Chapter 7 of title 14, United States
 11 Code, is amended by adding at the end the following:

12 ***“§ 153. Appointment of judges***

13 *“The Secretary may appoint civilian employees of the*
 14 *department in which the Coast Guard is operating as ap-*
 15 *pellate military judges, available for assignment to the*
 16 *Coast Guard Court of Criminal Appeals as provided for*
 17 *in section 866(a) of title 10.”.*

18 (b) *CLERICAL AMENDMENT.*—The analysis for such
 19 chapter is amended by adding at the end the following:

“153. Appointment of judges.”.

20 ***SEC. 202. INDUSTRIAL ACTIVITIES.***

21 Section 151 of title 14, United States Code, is amend-
 22 ed—

23 (1) by inserting “(a) *IN GENERAL.*—” before
 24 “*All orders*”; and

25 (2) by adding at the end the following:

1 “(b) *ORDERS AND AGREEMENTS FOR INDUSTRIAL AC-*
 2 *TIVITIES.*—Under this section, the Coast Guard industrial
 3 *activities may accept orders from and enter into reimburs-*
 4 *able agreements with establishments, agencies, and depart-*
 5 *ments of the Department of Defense and the Department*
 6 *of Homeland Security.”.*

7 **SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAV-**
 8 **EL EXPENSES.**

9 (a) *IN GENERAL.*—Chapter 13 of title 14, United
 10 *States Code, is amended by adding at the end the following:*

11 **“§518. Reimbursement for medical-related travel ex-**
 12 **penses for certain persons residing on is-**
 13 **lands in the continental United States**

14 *“In any case in which a covered beneficiary (as de-*
 15 *finied in section 1072(5) of title 10) resides on an island*
 16 *that is located in the 48 contiguous States and the District*
 17 *of Columbia and that lacks public access roads to the main-*
 18 *land and is referred by a primary care physician to a spe-*
 19 *cialty care provider (as defined in section 1074i(b) of title*
 20 *10) on the mainland who provides services less than 100*
 21 *miles from the location where the beneficiary resides, the*
 22 *Secretary shall reimburse the reasonable travel expenses of*
 23 *the covered beneficiary and, when accompaniment by an*
 24 *adult is necessary, for a parent or guardian of the covered*

1 *beneficiary or another member of the covered beneficiary's*
 2 *family who is at least 21 years of age.”.*

3 (b) *CLERICAL AMENDMENT.—The analysis for such*
 4 *chapter is amended by adding at the end the following:*

“518. Reimbursement for medical-related travel expenses for certain persons resid-
ing on islands in the continental United States.”.

5 **SEC. 204. COMMISSIONED OFFICERS.**

6 (a) *ACTIVE DUTY PROMOTION LIST.—Section 42 of*
 7 *title 14, United States Code, is amended to read as follows:*

8 **“§42. Number and distribution of commissioned offi-**
 9 **cers on active duty promotion list**

10 *“(a) MAXIMUM TOTAL NUMBER.—The total number of*
 11 *Coast Guard commissioned officers on the active duty pro-*
 12 *motion list, excluding warrant officers, shall not exceed*
 13 *7,200; except that the Commandant may temporarily in-*
 14 *crease that number by up to 2 percent for no more than*
 15 *60 days following the date of the commissioning of a Coast*
 16 *Guard Academy class.*

17 *“(b) DISTRIBUTION PERCENTAGES BY GRADE.—*

18 *“(1) REQUIRED.—The total number of commis-*
 19 *sioned officers authorized by this section shall be dis-*
 20 *tributed in grade in the following percentages: 0.375*
 21 *percent for rear admiral; 0.375 percent for rear admi-*
 22 *ral (lower half); 6.0 percent for captain; 15.0 percent*
 23 *for commander; and 22.0 percent for lieutenant com-*
 24 *mander.*

1 “(2) *DISCRETIONARY.*—*The Secretary shall pre-*
2 *scribe the percentages applicable to the grades of lieu-*
3 *tenant, lieutenant (junior grade), and ensign.*

4 “(3) *AUTHORITY OF SECRETARY TO REDUCE*
5 *PERCENTAGE.*—*The Secretary—*

6 “(A) *may reduce, as the needs of the Coast*
7 *Guard require, any of the percentages set forth*
8 *in paragraph (1); and*

9 “(B) *shall apply that total percentage re-*
10 *duction to any other lower grade or combination*
11 *of lower grades.*

12 “(c) *COMPUTATIONS.*—

13 “(1) *IN GENERAL.*—*The Secretary shall compute,*
14 *at least once each year, the total number of commis-*
15 *sioned officers authorized to serve in each grade by*
16 *applying the grade distribution percentages estab-*
17 *lished by or under this section to the total number of*
18 *commissioned officers listed on the current active duty*
19 *promotion list.*

20 “(2) *ROUNDING FRACTIONS.*—*Subject to sub-*
21 *section (a), in making the computations under para-*
22 *graph (1), any fraction shall be rounded to the near-*
23 *est whole number.*

24 “(3) *TREATMENT OF OFFICERS SERVING OUT-*
25 *SIDE COAST GUARD.*—*The number of commissioned*

1 officers on the active duty promotion list below the
2 rank of rear admiral (lower half) serving with other
3 Federal departments or agencies on a reimbursable
4 basis or excluded under section 324(d) of title 49 shall
5 not be counted against the total number of commis-
6 sioned officers authorized to serve in each grade.

7 “(d) *USE OF NUMBERS; TEMPORARY INCREASES.*—
8 *The numbers resulting from computations under subsection*
9 *(c) shall be, for all purposes, the authorized number in each*
10 *grade; except that the authorized number for a grade is tem-*
11 *porarily increased during the period between one computa-*
12 *tion and the next by the number of officers originally ap-*
13 *pointed in that grade during that period and the number*
14 *of officers of that grade for whom vacancies exist in the next*
15 *higher grade but whose promotion has been delayed for any*
16 *reason.*

17 “(e) *OFFICERS SERVING COAST GUARD ACADEMY AND*
18 *RESERVE.*—*The number of officers authorized to be serving*
19 *on active duty in each grade of the permanent commis-*
20 *sioned teaching staff of the Coast Guard Academy and of*
21 *the Reserve serving in connection with organizing, admin-*
22 *istering, recruiting, instructing, or training the reserve*
23 *components shall be prescribed by the Secretary.”.*

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 2 *3 of such title is amended by striking the item relating to*
 3 *section 42 and inserting the following:*

“42. Number and distribution of commissioned officers on active duty promotion list.”.

4 **SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED**
 5 **FORCES RETIREMENT HOME (AFRH) SYSTEM.**

6 (a) *IN GENERAL.*—*Section 1502 of the Armed Forces*
 7 *Retirement Home Act of 1991 (24 U.S.C. 401) is amend-*
 8 *ed—*

9 (1) *by striking paragraph (4);*

10 (2) *in paragraph (5)—*

11 (A) *by striking “and” at the end of sub-*
 12 *paragraph (C);*

13 (B) *by striking the period at the end of sub-*
 14 *paragraph (D) and inserting “; and”; and*

15 (C) *by inserting at the end the following:*

16 *“(E) the Assistant Commandant of the*
 17 *Coast Guard for Human Resources.”; and*

18 (3) *by adding at the end of paragraph (6) the*
 19 *following:*

20 *“(E) The Master Chief Petty Officer of the*
 21 *Coast Guard.”.*

22 (b) *CONFORMING AMENDMENTS.*—(1) *Section 2772 of*
 23 *title 10, United States Code, is amended—*

1 (A) in subsection (a) by inserting “or, in the
2 case of the Coast Guard, the Commandant” after
3 “concerned”; and

4 (B) by striking subsection (c).

5 (2) Section 1007(i) of title 37, United States Code, is
6 amended—

7 (A) in paragraph (3) by inserting “or, in the
8 case of the Coast Guard, the Commandant” after
9 “Secretary of Defense”;

10 (B) by striking paragraph (4); and

11 (C) by redesignating paragraph (5) as para-
12 graph (4).

13 **SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANI-**
14 **ZATIONS.**

15 Section 149 of title 14, United States Code, is amended
16 by adding at the end the following:

17 “(c) GRANTS TO INTERNATIONAL MARITIME ORGANI-
18 ZATIONS.—After consultation with the Secretary of State,
19 the Commandant may make grants to, or enter into cooper-
20 ative agreements, contracts, or other agreements with, inter-
21 national maritime organizations for the purpose of acquir-
22 ing information or data about merchant vessel inspections,
23 security, safety, environmental protection, classification,
24 and port state or flag state law enforcement or oversight.”.

1 **SEC. 207. LEAVE RETENTION AUTHORITY.**

2 (a) *IN GENERAL.*—Chapter 11 of title 14, United
3 States Code, is amended by inserting after section 425 the
4 following:

5 **“§ 426. Emergency leave retention authority**

6 “(a) *IN GENERAL.*—A duty assignment for an active
7 duty member of the Coast Guard in support of a declaration
8 of a major disaster or emergency by the President under
9 the Robert T. Stafford Disaster Relief and Emergency As-
10 sistance Act (42 U.S.C. 5121 et seq.) or in response to a
11 spill of national significance shall be treated, for the pur-
12 pose of section 701(f)(2) of title 10, as a duty assignment
13 in support of a contingency operation.

14 “(b) *DEFINITIONS.*—In this section:

15 “(1) *SPILL OF NATIONAL SIGNIFICANCE.*—The
16 term ‘spill of national significance’ means a discharge
17 of oil or a hazardous substance that is declared by the
18 Commandant to be a spill of national significance.

19 “(2) *DISCHARGE.*—The term ‘discharge’ has the
20 meaning given that term in section 1001 of the Oil
21 Pollution Act of 1990 (33 U.S.C. 2701).”.

22 (b) *CLERICAL AMENDMENT.*—The analysis for such
23 chapter is amended by inserting after the item relating to
24 section 425 the following:

“426. Emergency leave retention authority.”.

1 (c) *APPLICATION.*—*The amendments made by this sec-*
 2 *tion shall be deemed to have been enacted on April 19, 2010.*

3 **SEC. 208. ENFORCEMENT AUTHORITY.**

4 (a) *IN GENERAL.*—*Chapter 5 of title 14, United States*
 5 *Code, is amended by adding at the end the following:*

6 **“§ 99. Enforcement authority**

7 *“Subject to guidelines approved by the Secretary,*
 8 *members of the Coast Guard, in the performance of official*
 9 *duties, may—*

10 *“(1) carry a firearm; and*

11 *“(2) while at a facility (as defined in section*
 12 *70101 of title 46)—*

13 *“(A) make an arrest without warrant for*
 14 *any offense against the United States committed*
 15 *in their presence; and*

16 *“(B) seize property as otherwise provided*
 17 *by law.”.*

18 (b) *CONFORMING REPEAL.*—*Section 70117 of title 46,*
 19 *United States Code, and the item relating to such section*
 20 *in the analysis at the beginning of chapter 701 of such title,*
 21 *are repealed.*

22 (c) *CLERICAL AMENDMENT.*—*The analysis for such*
 23 *chapter is amended by adding at the end the following:*

“99. Enforcement authority.”.

1 **SEC. 209. REPEAL.**

2 Section 216 of title 14, United States Code, and the
3 item relating to such section in the analysis for chapter 11
4 of such title, are repealed.

5 **SEC. 210. MERCHANT MARINER MEDICAL ADVISORY COM-**
6 **MITTEE.**

7 (a) *IN GENERAL*.—Chapter 71 of title 46, United
8 States Code, is amended by adding at the end the following
9 new section:

10 **“§ 7115. Merchant Mariner Medical Advisory Com-**
11 **mittee**

12 “(a) *ESTABLISHMENT*.—

13 “(1) *IN GENERAL*.—There is established a Mer-
14 chant Mariner Medical Advisory Committee (in this
15 section referred to as the ‘Committee’).

16 “(2) *FUNCTIONS*.—The Committee shall advise
17 the Secretary on matters relating to—

18 “(A) medical certification determinations
19 for issuance of licences, certificates of registry,
20 and merchant mariners’ documents;

21 “(B) medical standards and guidelines for
22 the physical qualifications of operators of com-
23 mercial vessels;

24 “(C) medical examiner education; and

25 “(D) medical research.

26 “(b) *MEMBERSHIP*.—

1 “(1) *IN GENERAL.*—*The Committee shall consist*
2 *of 14 members, none of whom is a Federal employee,*
3 *and shall include—*

4 “(A) *ten who are health-care professionals*
5 *with particular expertise, knowledge, or experi-*
6 *ence regarding the medical examinations of mer-*
7 *chant mariners or occupational medicine; and*

8 “(B) *four who are professional mariners*
9 *with knowledge and experience in mariner occu-*
10 *pational requirements.*

11 “(2) *STATUS OF MEMBERS.*—*Members of the*
12 *Committee shall not be considered Federal employees*
13 *or otherwise in the service or the employment of the*
14 *Federal Government, except that members shall be*
15 *considered special Government employees, as defined*
16 *in section 202(a) of title 18, United States Code, and*
17 *shall be subject to any administrative standards of*
18 *conduct applicable to the employees of the department*
19 *in which the Coast Guard is operating.*

20 “(c) *APPOINTMENTS; TERMS; VACANCIES.*—

21 “(1) *APPOINTMENTS.*—*The Secretary shall ap-*
22 *point the members of the Committee, and each mem-*
23 *ber shall serve at the pleasure of the Secretary.*

24 “(2) *TERMS.*—*Each member shall be appointed*
25 *for a term of five years, except that, of the members*

1 *first appointed, three members shall be appointed for*
2 *a term of two years.*

3 “(3) *VACANCIES.*—*Any member appointed to fill*
4 *the vacancy prior to the expiration of the term for*
5 *which that member’s predecessor was appointed shall*
6 *be appointed for the remainder of that term.*

7 “(d) *CHAIRMAN AND VICE CHAIRMAN.*—*The Secretary*
8 *shall designate one member of the Committee as the Chair-*
9 *man and one member as the Vice Chairman. The Vice*
10 *Chairman shall act as Chairman in the absence or inca-*
11 *capacity of, or in the event of a vacancy in the office of, the*
12 *Chairman.*

13 “(e) *COMPENSATION; REIMBURSEMENT.*—*Members of*
14 *the Committee shall serve without compensation, except*
15 *that, while engaged in the performance of duties away from*
16 *their homes or regular places of business of the member, the*
17 *member of the Committee may be allowed travel expenses,*
18 *including per diem in lieu of subsistence, as authorized by*
19 *section 5703 of title 5.*

20 “(f) *STAFF; SERVICES.*—*The Secretary shall furnish to*
21 *the Committee the personnel and services as are considered*
22 *necessary for the conduct of its business.”.*

23 “(b) *FIRST MEETING.*—*No later than six months after*
24 *the date of enactment of this Act, the Merchant Mariner*

1 *Medical Advisory Committee established by the amendment*
 2 *made by this section shall hold its first meeting.*

3 (c) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 4 *71 of that title is amended by adding at the end the fol-*
 5 *lowing:*

“7115. Merchant Mariner Medical Advisory Committee.”.

6 **SEC. 211. RESERVE COMMISSIONED WARRANT OFFICER TO**
 7 **LIEUTENANT PROGRAM.**

8 *Section 214(a) of title 14, United States Code, is*
 9 *amended to read as follows:*

10 “(a) *The president may appoint temporary commis-*
 11 *sioned officers—*

12 “(1) *in the Regular Coast Guard in a grade, not*
 13 *above lieutenant, appropriate to their qualifications,*
 14 *experience, and length of service, as the needs of the*
 15 *Coast Guard may require, from among the commis-*
 16 *sioned warrant officers, warrant officers, and enlisted*
 17 *members of the Coast Guard, and from holders of li-*
 18 *censes issued under chapter 71 of title 46; and*

19 “(2) *in the Coast Guard Reserve in a grade, not*
 20 *above lieutenant, appropriate to their qualifications,*
 21 *experience, and length of service, as the needs of the*
 22 *Coast Guard may require, from among the commis-*
 23 *sioned warrant officers of the Coast Guard Reserve.”.*

1 **SEC. 212. ENHANCED STATUS QUO OFFICER PROMOTION**
 2 **SYSTEM.**

3 *Chapter 11 of title 14, United States Code, is amend-*
 4 *ed—*

5 *(1) in section 253(a)—*

6 *(A) by inserting “and” after “considered,”;*

7 *and*

8 *(B) by striking “, and the number of offi-*
 9 *cers the board may recommend for promotion”;*

10 *(2) in section 258—*

11 *(A) by inserting “(a) IN GENERAL.—” be-*
 12 *fore “The Secretary shall” ;*

13 *(B) in subsection (a) (as so designated) by*
 14 *striking the colon at the end of the material pre-*
 15 *ceding paragraph (1) and inserting “—”; and*

16 *(C) by adding at the end the following:*

17 *“(b) PROVISION OF DIRECTION AND GUIDANCE.—*

18 *“(1) In addition to the information provided*
 19 *pursuant to subsection (a), the Secretary may furnish*
 20 *the selection board—*

21 *“(A) specific direction relating to the needs*
 22 *of the Coast Guard for officers having particular*
 23 *skills, including direction relating to the need for*
 24 *a minimum number of officers with particular*
 25 *skills within a specialty; and*

1 “(B) any other guidance that the Secretary
2 believes may be necessary to enable the board to
3 properly perform its functions.

4 “(2) Selections made based on the direction and
5 guidance provided under this subsection shall not ex-
6 ceed the maximum percentage of officers who may be
7 selected from below the announced promotion zone at
8 any given selection board convened under section 251
9 of this title.”;

10 (3) in section 259(a), by inserting after “whom
11 the board” the following: “, giving due consideration
12 to the needs of the Coast Guard for officers with par-
13 ticular skills so noted in specific direction furnished
14 to the board by the Secretary under section 258 of
15 this title,”; and

16 (4) in section 260(b), by inserting after “quali-
17 fied for promotion” the following: “to meet the needs
18 of the service (as noted in specific direction furnished
19 the board by the Secretary under section 258 of this
20 title)”.

21 **SEC. 213. COAST GUARD VESSELS AND AIRCRAFT.**

22 (a) *AUTHORITY TO FIRE AT OR INTO A VESSEL.*—
23 Section 637(c) of title 14, United States Code, is amended—

24 (1) in paragraph (1), by striking “; or” and in-
25 serting a semicolon;

1 (2) *in paragraph (2), by striking the period at*
 2 *the end and inserting “; or”; and*

3 (3) *by adding at the end the following:*

4 “(3) *any other vessel or aircraft on government*
 5 *noncommercial service when—*

6 “(A) *the vessel or aircraft is under the tac-*
 7 *tical control of the Coast Guard; and*

8 “(B) *at least one member of the Coast*
 9 *Guard is assigned and conducting a Coast*
 10 *Guard mission on the vessel or aircraft.”.*

11 (b) *AUTHORITY TO DISPLAY COAST GUARD ENSIGNS*
 12 *AND PENNANTS.—Section 638(a) of title 14, United States*
 13 *Code, is amended by striking “Coast Guard vessels and air-*
 14 *craft” and inserting “Vessels and aircraft authorized by the*
 15 *Secretary”.*

16 **SEC. 214. COAST GUARD DISTRICT OMBUDSMEN.**

17 (a) *IN GENERAL.—Chapter 3 of title 14, United States*
 18 *Code, is amended by adding at the end the following new*
 19 *section:*

20 **“§ 55. District Ombudsmen**

21 “(a) *IN GENERAL.—The Commandant shall appoint*
 22 *in each Coast Guard District a District Ombudsman to*
 23 *serve as a liaison between ports, terminal operators, ship-*
 24 *owners, and labor representatives and the Coast Guard.*

1 “(b) *PURPOSE.*—*The purpose of the District Ombuds-*
 2 *man shall be the following:*

3 “(1) *To support the operations of the Coast*
 4 *Guard in each port in the District for which the Dis-*
 5 *trict Ombudsman is appointed.*

6 “(2) *To improve communications between and*
 7 *among port stakeholders including, port and terminal*
 8 *operators, ship owners, labor representatives, and the*
 9 *Coast Guard.*

10 “(3) *To seek to resolve disputes between the Coast*
 11 *Guard and all petitioners regarding requirements im-*
 12 *posed or services provided by the Coast Guard.*

13 “(c) *FUNCTIONS.*—

14 “(1) *COMPLAINTS.*—*The District Ombudsman*
 15 *may examine complaints brought to the attention of*
 16 *the District Ombudsman by a petitioner operating in*
 17 *a port or by Coast Guard personnel.*

18 “(2) *GUIDELINES FOR DISPUTES.*—

19 “(A) *IN GENERAL.*—*The District Ombuds-*
 20 *man shall develop guidelines regarding the types*
 21 *of disputes with respect to which the District*
 22 *Ombudsman will provide assistance.*

23 “(B) *LIMITATION.*—*The District Ombuds-*
 24 *man shall not provide assistance with respect to*
 25 *a dispute unless it involves the impact of Coast*

1 *Guard requirements on port business and the*
2 *flow of commerce.*

3 “(C) *PRIORITY.*—*In providing such assist-*
4 *ance, the District Ombudsman shall give priority*
5 *to complaints brought by petitioners who believe*
6 *they will suffer a significant hardship as the re-*
7 *sult of implementing a Coast Guard requirement*
8 *or being denied a Coast Guard service.*

9 “(3) *CONSULTATION.*—*The District Ombudsman*
10 *may consult with any Coast Guard personnel who*
11 *can aid in the investigation of a complaint.*

12 “(4) *ACCESS TO INFORMATION.*—*The District*
13 *Ombudsman shall have access to any Coast Guard*
14 *document, including any record or report, that will*
15 *aid the District Ombudsman in obtaining the infor-*
16 *mation needed to conduct an investigation of a com-*
17 *plaint.*

18 “(5) *REPORTS.*—*At the conclusion of an inves-*
19 *tigation, the District Ombudsman shall submit a re-*
20 *port on the findings and recommendations of the Dis-*
21 *trict Ombudsman, to the Commander of the District*
22 *in which the petitioner who brought the complaint is*
23 *located or operating.*

1 “(6) *DEADLINE.*—*The District Ombudsman shall*
 2 *seek to resolve each complaint brought in accordance*
 3 *with the guidelines—*

4 “(A) *in a timely fashion; and*

5 “(B) *not later than 4 months after the com-*
 6 *plaint is officially accepted by the District Om-*
 7 *budsman.*

8 “(d) *APPOINTMENT.*—*The Commandant shall appoint*
 9 *as the District Ombudsman an individual who has experi-*
 10 *ence in port and transportation systems and knowledge of*
 11 *port operations or of maritime commerce (or both).*

12 “(e) *ANNUAL REPORTS.*—*The Secretary shall report*
 13 *annually to the Committee on Transportation and Infra-*
 14 *structure of the House of Representatives and the Committee*
 15 *on Commerce, Science, and Transportation of the Senate*
 16 *on the matters brought before the District Ombudsmen, in-*
 17 *cluding—*

18 “(1) *the number of matters brought before each*
 19 *District Ombudsman;*

20 “(2) *a brief summary of each such matter; and*

21 “(3) *the eventual resolution of each such mat-*
 22 *ter.”.*

23 “(b) *CLERICAL AMENDMENT.*—*The analysis at the be-*
 24 *ginning of that chapter is amended by adding at the end*
 25 *the following new item:*

“55. *District Ombudsmen.*”.

1 **SEC. 215. COAST GUARD COMMISSIONED OFFICERS: COM-**
2 **PULSORY RETIREMENT.**

3 (a) *IN GENERAL.*—Chapter 11 of title 14, United
4 States Code, is amended by striking section 293 and insert-
5 ing the following:

6 **“§ 293. Compulsory retirement**

7 “(a) *REGULAR COMMISSIONED OFFICERS.*—Any reg-
8 ular commissioned officer, except a commissioned warrant
9 officer, serving in a grade below rear admiral (lower half)
10 shall be retired on the first day of the month following the
11 month in which the officer becomes 62 years of age.

12 “(b) *FLAG-OFFICER GRADES.*—(1) Except as provided
13 in paragraph (2), any regular commissioned officer serving
14 in a grade of rear admiral (lower half) or above shall be
15 retired on the first day of the month following the month
16 in which the officer becomes 64 years of age.

17 “(2) The retirement of an officer under paragraph (1)
18 may be deferred—

19 “(A) by the President, but such a deferment may
20 not extend beyond the first day of the month following
21 the month in which the officer becomes 68 years of
22 age; or

23 “(B) by the Secretary of the department in
24 which the Coast Guard is operating, but such a
25 deferment may not extend beyond the first day of the

1 *month following the month in which the officer be-*
 2 *comes 66 years of age.”.*

3 (b) *CLERICAL AMENDMENT.—The analysis at the be-*
 4 *ginning of such chapter is amended by striking the item*
 5 *relating to such section and inserting the following:*

“293. Compulsory retirement.”.

6 **SEC. 216. ENFORCEMENT OF COASTWISE TRADE LAWS.**

7 (a) *IN GENERAL.—Chapter 5 of title 14, United States*
 8 *Code, is further amended by adding at the end the following:*

9 **“§ 100. Enforcement of coastwise trade laws**

10 *“Officers and members of the Coast Guard are author-*
 11 *ized to enforce chapter 551 of title 46. The Secretary shall*
 12 *establish a program for these officers and members to en-*
 13 *force that chapter.”.*

14 (b) *CLERICAL AMENDMENT.—The analysis for that*
 15 *chapter is further amended by adding at the end the fol-*
 16 *lowing new item:*

“100. Enforcement of coastwise trade laws.”.

17 (c) *REPORT.—The Secretary of the department in*
 18 *which the Coast Guard is operating shall submit a report*
 19 *to the Committee on Transportation and Infrastructure of*
 20 *the House of Representatives and the Senate Committee on*
 21 *Commerce, Science, and Transportation within 1 year after*
 22 *the date of enactment of this Act on the enforcement strate-*
 23 *gies and enforcement actions taken to enforce the coastwise*
 24 *trade laws.*

1 **SEC. 217. REPORT ON SEXUAL ASSAULTS IN THE COAST**
2 **GUARD.**

3 (a) *IN GENERAL.*—Not later than January 15 of each
4 year, the Commandant of the Coast Guard shall submit a
5 report on the sexual assaults involving members of the Coast
6 Guard to the Committee on Transportation and Infrastruc-
7 ture and the Committee on Homeland Security of the House
8 of Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate.

10 (b) *CONTENTS.*—The report required under subsection
11 (a) shall contain the following:

12 (1) *The number of sexual assaults against mem-*
13 *bers of the Coast Guard, and the number of sexual as-*
14 *saults by members of the Coast Guard, that were re-*
15 *ported to military officials during the year covered by*
16 *such report, and the number of the cases so reported*
17 *that were substantiated.*

18 (2) *A synopsis of, and the disciplinary action*
19 *taken in, each substantiated case.*

20 (3) *The policies, procedures, and processes imple-*
21 *mented by the Secretary concerned during the year*
22 *covered by such report in response to incidents of sex-*
23 *ual assault involving members of the Coast Guard*
24 *concerned.*

25 (4) *A plan for the actions that are to be taken*
26 *in the year following the year covered by such report*

1 *on the prevention of and response to sexual assault*
2 *involving members of the Coast Guard concerned.*

3 **SEC. 218. HOME PORT OF COAST GUARD VESSELS IN GUAM.**

4 *Section 96 of title 14, United States Code, is amend-*
5 *ed—*

6 (1) *by striking “a State of the United States”*
7 *and inserting “the United States or Guam”; and*

8 (2) *by inserting “or Guam” after “outside the*
9 *United States”.*

10 **SEC. 219. SUPPLEMENTAL POSITIONING SYSTEM.**

11 *Not later than 180 days after date of enactment of this*
12 *Act, the Secretary of the department in which the Coast*
13 *Guard is operating in consultation with the Commandant*
14 *of the Coast Guard shall conclude their study of whether*
15 *a single, domestic system is needed as a back-up navigation*
16 *system to the Global Positioning System and notify the*
17 *Committee on Transportation and Infrastructure of the*
18 *House of Representatives and the Committee on Commerce,*
19 *Science, and Transportation of the Senate the results of*
20 *such determination.*

21 **SEC. 220. ASSISTANCE TO FOREIGN GOVERNMENTS AND**
22 **MARITIME AUTHORITIES.**

23 *Section 149 of title 14, United States Code, as amend-*
24 *ed by section 206, is further amended by adding at the end*
25 *the following:*

1 “(d) *AUTHORIZED ACTIVITIES.*—

2 “(1) *The Commandant may use funds for—*

3 “(A) *the activities of traveling contact*
4 *teams, including any transportation expense,*
5 *translation services expense, or administrative*
6 *expense that is related to such activities;*

7 “(B) *the activities of maritime authority li-*
8 *aision teams of foreign governments making re-*
9 *ciprocal visits to Coast Guard units, including*
10 *any transportation expense, translation services*
11 *expense, or administrative expense that is related*
12 *to such activities;*

13 “(C) *seminars and conferences involving*
14 *members of maritime authorities of foreign gov-*
15 *ernments;*

16 “(D) *distribution of publications pertinent*
17 *to engagement with maritime authorities of for-*
18 *eign governments; and*

19 “(E) *personnel expenses for Coast Guard ci-*
20 *vilian and military personnel to the extent that*
21 *those expenses relate to participation in an ac-*
22 *tivity described in subparagraph (C) or (D).*

23 “(2) *An activity may not be conducted under*
24 *this subsection with a foreign country unless the Sec-*

1 *retary of State approves the conduct of such activity*
 2 *in that foreign country.”.*

3 **SEC. 221. COAST GUARD HOUSING.**

4 *(a) IN GENERAL.—Chapter 18 of title 14, United*
 5 *States Code, is amended—*

6 *(1) in section 680—*

7 *(A) by striking paragraphs (1), (2), and (3)*
 8 *and inserting the following new paragraphs:*

9 *“(1) The term ‘construct’ means to build, ren-*
 10 *ovate, or improve military family housing and mili-*
 11 *tary unaccompanied housing.*

12 *“(2) The term ‘construction’ means building,*
 13 *renovating, or improving military family housing*
 14 *and military unaccompanied housing.”; and*

15 *(B) by redesignating paragraphs (4) and*
 16 *(5) as paragraphs (3) and (4), respectively;*
 17 *(2) in section 681(a)—*

18 *(A) in the matter preceding paragraph (1),*
 19 *by striking “exercise any authority or any com-*
 20 *bination of authorities provided under this chap-*
 21 *ter in order to provide for the acquisition or con-*
 22 *struction by private persons, including a small*
 23 *business concern qualified under section 8(a) of*
 24 *the Small Business Act (15 U.S.C. 637(a)), of*

1 *the following:*” and inserting “*acquire or con-*
 2 *struct the following:*”;

3 *(B) in paragraph (1), by striking “Family*
 4 *housing units” and inserting “Military family*
 5 *housing”; and*

6 *(C) in paragraph (2), by striking “Unac-*
 7 *companied housing units” and inserting “Mili-*
 8 *tary unaccompanied housing”;*

9 *(3) by repealing sections 682, 683, and 684;*

10 *(4) by amending section 685 to read as follows:*

11 **“§ 685. Conveyance of real property**

12 “(a) CONVEYANCE AUTHORIZED.—*Notwithstanding*
 13 *any other provision of law, the Secretary may convey, at*
 14 *fair market value, real property, owned or under the ad-*
 15 *ministrative control of the Coast Guard, for the purpose of*
 16 *expending the proceeds from such conveyance to acquire and*
 17 *construct military family housing and military unaccom-*
 18 *panied housing.*

19 “(b) TERMS AND CONDITIONS.—

20 “(1) *The conveyance of real property under this*
 21 *section shall be by sale, for cash. The Secretary shall*
 22 *deposit the proceeds from the sale in the Coast Guard*
 23 *Housing Fund established under section 687 of this*
 24 *title, for the purpose of expending such proceeds to ac-*

1 *quire and construct military family housing and*
 2 *military unaccompanied housing.*

3 *“(2) The conveyance of real property under this*
 4 *section shall not diminish the mission capacity of the*
 5 *Coast Guard, but further the mission support capa-*
 6 *bility of the Coast Guard with regard to military*
 7 *family housing or military unaccompanied housing.*

8 *“(c) RELATIONSHIP TO ENVIRONMENTAL LAW.—This*
 9 *section does not affect or limit the application of or obliga-*
 10 *tion to comply with any environmental law, including sec-*
 11 *tion 120(h) of the Comprehensive Environmental Response,*
 12 *Compensation, and Liability Act of 1980 (42 U.S.C.*
 13 *9620(h)).”;*

14 *(5) by repealing section 686;*

15 *(6) in section 687—*

16 *(A) in subsection (b)—*

17 *(i) in paragraph (2), by striking “or*
 18 *unaccompanied” and inserting “or military*
 19 *unaccompanied”;*

20 *(ii) in paragraph (3)—*

21 *(I) by striking “or lease”;*

22 *(II) by striking “or facilities”;*

23 *and*

1 (III) by striking “military family
2 and” and inserting “military family
3 housing and”; and

4 (iii) by repealing paragraph (4);

5 (B) subsection (c), by amending paragraph
6 (1) to read as follows:(1) In such amounts as
7 provided in appropriations Acts, and except as
8 provided in subsection (d), the Secretary may
9 use amounts in the Coast Guard Housing Fund
10 to carry out activities under this chapter with
11 respect to military family housing and military
12 unaccompanied housing, including—

13 “(A) the planning, execution, and adminis-
14 tration of the conveyance of real property;

15 “(B) all necessary expenses, including ex-
16 penses for environmental compliance and res-
17 toration, to prepare real property for convey-
18 ance; and

19 “(C) the conveyance of real property.”;

20 (C) in subsection (e), by striking “or
21 (b)(3)”;

22 (D) by repealing subsections (f) and (g);

23 (7) by repealing 687a;

24 (8) by amending section 688 to read as follows:

1 **“§ 688. Reports**

2 *“The Secretary shall prepare and submit to Congress,*
 3 *concurrent with the budget submitted pursuant to section*
 4 *1105 of title 31, a report identifying the contracts or agree-*
 5 *ments for the conveyance of properties pursuant to this*
 6 *chapter executed during the prior calendar year.”; and*

7 *(9) by repealing section 689.*

8 *(b) SAVINGS CLAUSE.—This section shall not affect*
 9 *any action commenced prior to the date of enactment of*
 10 *this Act.*

11 *(c) CLERICAL AMENDMENT.—The chapter analysis at*
 12 *the beginning of such chapter is amended—*

13 *(1) by striking the items relating to sections 682,*
 14 *683, 684, 686, 687a, and 689; and*

15 *(2) by amending the item relating to section 685*
 16 *to read as follows:*

“685. Conveyance of real property.”.

17 **SEC. 222. CHILD DEVELOPMENT SERVICES.**

18 *Section 515 of title 14, United States Code, is amend-*
 19 *ed—*

20 *(1) by striking subsection (b) and inserting the*
 21 *following:*

22 *“(b)(1) The Commandant is authorized to use appro-*
 23 *priated funds available to the Coast Guard to provide child*
 24 *development services.*

1 “(2)(A) *The Commandant is authorized to establish,*
2 *by regulations, fees to be charged parents for the attendance*
3 *of children at Coast Guard child development centers.*

4 “(B) *Fees to be charged, pursuant to subparagraph*
5 *(A), shall be based on family income, except that the Com-*
6 *mandant may, on a case-by-base basis, establish fees at*
7 *lower rates if such rates would not be competitive with rates*
8 *at local child development centers.*

9 “(C) *The Commandant is authorized to collect and ex-*
10 *pend fees, established pursuant to this subparagraph, and*
11 *such fees shall, without further appropriation, remain*
12 *available until expended for the purpose of providing serv-*
13 *ices, including the compensation of employees and the pur-*
14 *chase of consumable and disposable items, at Coast Guard*
15 *child development centers.*

16 “(3) *The Commandant is authorized to use appro-*
17 *priated funds available to the Coast Guard to provide as-*
18 *sistance to family home daycare providers so that family*
19 *home daycare services can be provided to uniformed service*
20 *members and civilian employees of the Coast Guard at a*
21 *cost comparable to the cost of services provided by Coast*
22 *Guard child development centers.”;*

23 *(2) by repealing subsections (d) and (e); and*

24 *(3) by redesignating subsections (f) and (g) as*
25 *subsections (d) and (e), respectively.*

1 **SEC. 223. CHAPLAIN ACTIVITY EXPENSE.**

2 *Section 145 of title 14, United States Code, is amend-*
3 *ed—*

4 *(1) in subsection (a)—*

5 *(A) in paragraph (2), by striking “and” at*
6 *the end;*

7 *(B) in paragraph (3), by striking the period*
8 *at the end and inserting “; and”; and*

9 *(C) by adding at the end the following new*
10 *paragraph:*

11 *“(4) detail personnel from the Chaplain Corps to*
12 *provide services, pursuant to section 1789 of title 10,*
13 *to the Coast Guard.”; and*

14 *(2) by adding at the end the following new sub-*
15 *section:*

16 *“(d)(1) As part of the services provided by the Sec-*
17 *retary of the Navy pursuant to subsection (a)(4), the Sec-*
18 *retary may provide support services to chaplain-led pro-*
19 *grams to assist members of the Coast Guard on active duty*
20 *and their dependents, and members of the reserve compo-*
21 *nent in an active status and their dependents, in building*
22 *and maintaining a strong family structure.*

23 *“(2) In this subsection, the term ‘support services’ in-*
24 *clude transportation, food, lodging, child care, supplies,*
25 *fees, and training materials for members of the Coast Guard*
26 *on active duty and their dependents, and members of the*

1 *reserve component in an active status and their dependents,*
 2 *while participating in programs referred to in paragraph*
 3 *(1), including participation at retreats and conferences.*

4 “(3) *In this subsection, the term ‘dependents’ has the*
 5 *same meaning as defined in section 1072(2) of title 10.’.*

6 **SEC. 224. COAST GUARD CROSS; SILVER STAR MEDAL.**

7 (a) *COAST GUARD CROSS.*—Chapter 13 of title 14,
 8 *United States Code, is amended by inserting after section*
 9 *491 the following new section:*

10 **“§491a. Coast Guard cross**

11 “*The President may award a Coast Guard cross of ap-*
 12 *propriate design, with ribbons and appurtenances, to a per-*
 13 *son who, while serving in any capacity with the Coast*
 14 *Guard, when the Coast Guard is not operating under the*
 15 *Department of the Navy, distinguishes himself or herself by*
 16 *extraordinary heroism not justifying the award of a medal*
 17 *of honor—*

18 “(1) *while engaged in an action against an*
 19 *enemy of the United States;*

20 “(2) *while engaged in military operations in-*
 21 *volving conflict with an opposing foreign force or*
 22 *international terrorist organization; or*

23 “(3) *while serving with friendly foreign forces*
 24 *engaged in an armed conflict against an opposing*

1 *armed force in which the United States is not a bel-*
 2 *ligerent party.”.*

3 (b) *SILVER STAR MEDAL.*—Such chapter is further
 4 *amended—*

5 (1) *by striking the designation and heading of*
 6 *section 492a and inserting the following:*

7 **“§ 492b. Distinguished flying cross”;**

8 *and*

9 (2) *by inserting after section 492 the following*
 10 *new section:*

11 **“§ 492a. Silver star medal**

12 *“The President may award a silver star medal of ap-*
 13 *propriate design, with ribbons and appurtenances, to a per-*
 14 *son who, while serving in any capacity with the Coast*
 15 *Guard, when the Coast Guard is not operating under the*
 16 *Department of the Navy, is cited for gallantry in action*
 17 *that does not warrant a medal of honor or Coast Guard*
 18 *cross—*

19 *“(1) while engaged in an action against an*
 20 *enemy of the United States;*

21 *“(2) while engaged in military operations in-*
 22 *volving conflict with an opposing foreign force or*
 23 *international terrorist organization; or*

24 *“(3) while serving with friendly foreign forces*
 25 *engaged in an armed conflict against an opposing*

1 *armed force in which the United States is not a bel-*
 2 *ligerent party.”.*

3 (c) *CONFORMING AMENDMENTS.*—*Such chapter is fur-*
 4 *ther amended—*

5 (1) *in section 494, by striking “distinguished*
 6 *service medal, distinguished flying cross,” and insert-*
 7 *ing “Coast Guard cross, distinguished service medal,*
 8 *silver star medal, distinguished flying cross,” in both*
 9 *places it appears;*

10 (2) *in section 496—*

11 (A) *in the matter preceding paragraph (1)*
 12 *of subsection (a), by striking “distinguished serv-*
 13 *ice medal, distinguished flying cross,” and in-*
 14 *serting “Coast Guard cross, distinguished service*
 15 *medal, silver star medal, distinguished flying*
 16 *cross,”; and*

17 (B) *in subsection (b)(2), by striking “distin-*
 18 *guished service medal, distinguished flying*
 19 *cross,” and inserting “Coast Guard cross, distin-*
 20 *guished service medal, silver star medal, distin-*
 21 *guished flying cross,”; and*

22 (3) *in section 497, by striking “distinguished*
 23 *service medal, distinguished flying cross,” and insert-*
 24 *ing “Coast Guard cross, distinguished service medal,*
 25 *silver star medal, distinguished flying cross,”.*

1 (d) *CLERICAL AMENDMENTS.—The analysis at the be-*
 2 *ginning of such chapter is amended—*

3 (1) *by inserting after the item relating to section*
 4 *491 the following new item:*

“491a. Coast Guard cross.”.

5 (2) *by striking the item relating to section 492a*
 6 *and inserting the following new items:*

“492a. Silver star medal.

“492b. Distinguished flying cross.”.

7 ***TITLE III—SHIPPING AND*** 8 ***NAVIGATION***

9 ***SEC. 301. SEAWARD EXTENSION OF ANCHORAGE GROUNDS*** 10 ***JURISDICTION.***

11 *Section 7 of the Rivers and Harbors Appropriations*
 12 *Act of 1915 (33 U.S.C. 471) is amended—*

13 (1) *by striking “That the” and inserting the fol-*
 14 *lowing:*

15 *“(a) IN GENERAL.—The”.*

16 (2) *in subsection (a) (as designated by para-*
 17 *graph (1)) by striking “\$100; and the” and inserting*
 18 *“up to \$10,000. Each day during which a violation*
 19 *continues shall constitute a separate violation. The”;*
 20 *and*

21 (3) *by adding at the end the following:*

22 *“(b) DEFINITION.—As used in this section ‘navigable*
 23 *waters of the United States’ includes all waters of the terri-*

1 *torial sea of the United States as described in Presidential*
 2 *Proclamation No. 5928 of December 27, 1988.”.*

3 **SEC. 302. MARITIME DRUG LAW ENFORCEMENT ACT AMEND-**
 4 **MENT-SIMPLE POSSESSION.**

5 *Section 70506 of title 46, United States Code, is*
 6 *amended by adding at the end the following:*

7 *“(c) SIMPLE POSSESSION.—*

8 *“(1) IN GENERAL.—Any individual on a vessel*
 9 *subject to the jurisdiction of the United States who is*
 10 *found by the Secretary, after notice and an oppor-*
 11 *tunity for a hearing, to have knowingly or inten-*
 12 *tionally possessed a controlled substance within the*
 13 *meaning of the Controlled Substances Act (21 U.S.C.*
 14 *812) shall be liable to the United States for a civil*
 15 *penalty of not to exceed \$5,000 for each violation. The*
 16 *Secretary shall notify the individual in writing of the*
 17 *amount of the civil penalty.*

18 *“(2) DETERMINATION OF AMOUNT.—In deter-*
 19 *mining the amount of the penalty, the Secretary shall*
 20 *consider the nature, circumstances, extent, and grav-*
 21 *ity of the prohibited acts committed and, with respect*
 22 *to the violator, the degree of culpability, any history*
 23 *of prior offenses, ability to pay, and other matters*
 24 *that justice requires.*

1 “(3) *TREATMENT OF CIVIL PENALTY ASSESS-*
 2 *MENT.*—Assessment of a civil penalty under this sub-
 3 *section shall not be considered a conviction for pur-*
 4 *poses of State or Federal law but may be considered*
 5 *proof of possession if such a determination is rel-*
 6 *evant.”.*

7 **SEC. 303. TECHNICAL AMENDMENTS TO TONNAGE MEAS-**
 8 **UREMENT LAW.**

9 (a) *DEFINITIONS.*—Section 14101(4) of title 46,
 10 *United States Code, is amended—*

11 (1) *by striking “engaged” the first place it ap-*
 12 *pears and inserting “that engages”;*

13 (2) *in subparagraph (A), by striking “arriving”*
 14 *and inserting “that arrives”;*

15 (3) *in subparagraph (B)—*

16 (A) *by striking “making” and inserting*
 17 *“that makes”; and*

18 (B) *by striking “(except a foreign vessel en-*
 19 *gaged on that voyage)”;*

20 (4) *in subparagraph (C), by striking “depart-*
 21 *ing” and inserting “that departs”; and*

22 (5) *in subparagraph (D), by striking “making”*
 23 *and inserting “that makes”.*

1 (b) *DELEGATION OF AUTHORITY*.—Section 14103(c) of
2 that title is amended by striking “intended to be engaged
3 on” and inserting “that engages on”.

4 (c) *APPLICATION*.—Section 14301 of that title is
5 amended—

6 (1) by amending subsection (a) to read as fol-
7 lows:

8 “(a) Except as otherwise provided in this section, this
9 chapter applies to any vessel for which the application of
10 an international agreement or other law of the United
11 States to the vessel depends on the vessel’s tonnage.”;

12 (2) in subsection (b)—

13 (A) in paragraph (1), by striking the period
14 at the end and inserting “, unless the govern-
15 ment of the country to which the vessel belongs
16 elects to measure the vessel under this chapter.”;

17 (B) in paragraph (3), by inserting “of
18 United States or Canadian registry or nation-
19 ality, or a vessel operated under the authority of
20 the United States or Canada, and that is” after
21 “vessel”;

22 (C) in paragraph (4), by striking “a vessel
23 (except a vessel engaged” and inserting “a vessel
24 of United States registry or nationality, or one

1 *operated under the authority of the United*
 2 *States (except a vessel that engages”;*

3 *(D) by striking paragraph (5);*

4 *(E) by redesignating paragraph (6) as*
 5 *paragraph (5); and*

6 *(F) by amending paragraph (5), as so re-*
 7 *designated, to read as follows:*

8 *“(5) a barge of United States registry or nation-*
 9 *ality, or a barge operated under the authority of the*
 10 *United States (except a barge that engages on a for-*
 11 *ign voyage) unless the owner requests.”;*

12 *(3) by striking subsection (c);*

13 *(4) by redesignating subsections (d) and (e) as*
 14 *subsections (c) and (d), respectively; and*

15 *(5) in subsection (c), as redesignated, by striking*
 16 *“After July 18, 1994, an existing vessel (except an ex-*
 17 *isting vessel referred to in subsection (b)(5)(A) or (B)*
 18 *of this section)” and inserting “An existing vessel that*
 19 *has not undergone a change that the Secretary finds*
 20 *substantially affects the vessel’s gross tonnage (or a*
 21 *vessel to which IMO Resolutions A.494 (XII) of No-*
 22 *vember 19, 1981, A.540 (XIII) of November 17, 1983,*
 23 *or A.541 (XIII) of November 17, 1983, apply)”.*

24 *(d) MEASUREMENT.—Section 14302(b) of that title is*
 25 *amended to read as follows:*

1 “(b) *A vessel measured under this chapter may not be*
 2 *required to be measured under another law.*”.

3 (e) *TONNAGE CERTIFICATE.*—

4 (1) *ISSUANCE.*—Section 14303 of title 46, United
 5 *States Code, is amended—*

6 (A) *in subsection (a), by adding at the end*
 7 *the following: “For a vessel to which the Conven-*
 8 *tion does not apply, the Secretary shall prescribe*
 9 *a certificate to be issued as evidence of a vessel’s*
 10 *measurement under this chapter.”;*

11 (B) *in subsection (b), by inserting “issued*
 12 *under this section” after “certificate”; and*

13 (C) *in the section heading by striking*
 14 *“**International**” and “(1969)”.*

15 (2) *MAINTENANCE.*—Section 14503 of that title
 16 *is amended—*

17 (A) *by designating the existing text as sub-*
 18 *section (a); and*

19 (B) *by adding at the end the following new*
 20 *subsection:*

21 “(b) *The certificate shall be maintained as required by*
 22 *the Secretary.*”.

23 (3) *CLERICAL AMENDMENT.*—*The analysis at the*
 24 *beginning of chapter 143 of that title is amended by*

1 *striking the item relating to section 14303 and insert-*
 2 *ing the following:*

“14303. Tonnage Certificate.”.

3 (f) *OPTIONAL REGULATORY MEASUREMENT.*—Section
 4 14305(a) of that title is amended by striking “documented
 5 vessel measured under this chapter,” and inserting “vessel
 6 measured under this chapter that is of United States reg-
 7 istry or nationality, or a vessel operated under the author-
 8 ity of the United States,”.

9 (g) *APPLICATION.*—Section 14501 of that title is
 10 amended—

11 (1) by amending paragraph (1) to read as fol-
 12 lows:

13 “(1) A vessel not measured under chapter 143 of
 14 this title if the application of an international agree-
 15 ment or other law of the United States to the vessel
 16 depends on the vessel’s tonnage.”; and

17 (2) in paragraph (2), by striking “a vessel” and
 18 inserting “A vessel”.

19 (h) *DUAL TONNAGE MEASUREMENT.*—Section
 20 14513(c) of that title is amended—

21 (1) in paragraph (1)—

22 (A) by striking “vessel’s tonnage mark is
 23 below the uppermost part of the load line
 24 marks,” and inserting “vessel is assigned two

1 *sets of gross and net tonnages under this sec-*
 2 *tion,”; and*

3 *(B) by inserting “vessel’s tonnage” before*
 4 *“mark” the second place such term appears; and*
 5 *(2) in paragraph (2), by striking the period at*
 6 *the end and inserting “as assigned under this sec-*
 7 *tion.”.*

8 *(i) RECIPROCITY FOR FOREIGN VESSELS.—Sub-*
 9 *chapter II of chapter 145 of that title is amended by adding*
 10 *at the end the following:*

11 **“§ 14514. Reciprocity for foreign vessels**

12 *“For a foreign vessel not measured under chapter 143,*
 13 *if the Secretary finds that the laws and regulations of a*
 14 *foreign country related to measurement of vessels are sub-*
 15 *stantially similar to those of this chapter and the regula-*
 16 *tions prescribed under this chapter, the Secretary may ac-*
 17 *cept the measurement and certificate of a vessel of that for-*
 18 *ign country as complying with this chapter and the regula-*
 19 *tions prescribed under this chapter.”.*

20 *(j) CLERICAL AMENDMENT.—The analysis for sub-*
 21 *chapter II of chapter 145 of such title is amended by adding*
 22 *at the end the following:*

“14514. Reciprocity for foreign vessels.”.

23 **SEC. 304. MERCHANT MARINER DOCUMENT STANDARDS.**

24 *Not later than 270 days after the date of enactment*
 25 *of this Act, the Secretary of the department in which the*

1 *Coast Guard is operating shall submit to the Committee*
2 *on Transportation and Infrastructure of the House of Rep-*
3 *resentatives and the Committee on Commerce, Science, and*
4 *Transportation of the Senate—*

5 *(1) a plan, including estimated costs, to ensure*
6 *that the process for an application, by an individual*
7 *who has, or has applied for, a transportation security*
8 *card under section 70105 of title 46, United States*
9 *Code, for a merchant mariner document can be com-*
10 *pleted entirely by mail; and*

11 *(2) a report on the feasibility of, and a timeline*
12 *to, redesign the merchant mariner document to com-*
13 *ply with the requirements of such section, including*
14 *a biometric identifier, and all relevant international*
15 *conventions, including the International Labour Or-*
16 *ganization Convention Number 185 concerning the*
17 *seafarers identity document, and include a review on*
18 *whether or not such redesign will eliminate the need*
19 *for separate identity credentials and background*
20 *screening and streamline the application process for*
21 *mariners.*

1 **SEC. 305. SHIP EMISSION REDUCTION TECHNOLOGY DEM-**
2 **ONSTRATION PROJECT.**

3 (a) *STUDY.*—The Commandant of the Coast Guard, in
4 conjunction with the Administrator of the Environmental
5 Protection Agency, shall conduct a study—

6 (1) *that surveys new technology and new appli-*
7 *cations of existing technology for reducing air emis-*
8 *sions from cargo or passenger vessels that operate in*
9 *United States waters and ports; and*

10 (2) *that identifies the impediments, including*
11 *any laws or regulations, to demonstrating the tech-*
12 *nology identified in paragraph (1).*

13 (b) *REPORT.*—Within 180 days after the date of enact-
14 ment of this Act, the Commandant shall submit a report
15 on the results of the study conducted under subsection (a)
16 to the Committee on Transportation and Infrastructure and
17 the Committee on Energy and Commerce of the House of
18 Representatives and the Committee on Commerce, Science,
19 and Transportation and the Committee on Environment
20 and Public Works of the Senate.

21 **SEC. 306. PHASEOUT OF VESSELS SUPPORTING OIL AND**
22 **GAS DEVELOPMENT.**

23 (a) *IN GENERAL.*—Notwithstanding section 12111(d)
24 of title 46, United States Code, foreign-flag vessels may be
25 chartered by, or on behalf of, a lessee to be employed for
26 the setting, relocation, or recovery of anchors or other moor-

1 *ing equipment of a mobile offshore drilling unit that is lo-*
2 *cated over the Outer Continental Shelf (as defined in section*
3 *2(a) of the Outer Continental Shelf Lands Act (43 U.S.C.*
4 *1331(a)) for operations in support of exploration, or flow-*
5 *testing and stimulation of wells, for offshore mineral or en-*
6 *ergy resources in the Beaufort Sea or the Chukchi Sea adja-*
7 *cent to Alaska—*

8 *(1) for a 1-year period from the date the lessee*
9 *gives the Secretary of Transportation written notice*
10 *of the commencement of such exploration drilling if*
11 *the Secretary determines, after publishing notice in*
12 *the Federal Register, that insufficient vessels docu-*
13 *mented under section 12111(d) of title 46, United*
14 *States Code, are reasonably available and suitable for*
15 *these support operations and all such reasonably*
16 *available and suitable vessels are employed in support*
17 *of such operations; and*

18 *(2) for an additional period until such vessels*
19 *are available if the Secretary of Transportation deter-*
20 *mines—*

21 *(A) that, by April 30 of the year following*
22 *the commencement of exploration drilling, the*
23 *lessee has entered into a binding agreement to*
24 *employ a suitable vessel or vessels to be docu-*
25 *mented under section 12111(d) of title 46,*

1 *United States Code, in sufficient numbers and*
2 *with sufficient suitability to replace any foreign-*
3 *flag vessel or vessels operating under this section;*
4 *and*

5 *(B) after publishing notice in the Federal*
6 *Register, that insufficient vessels documented*
7 *under section 12111(d) of title 46, United States*
8 *Code, are reasonably available and suitable for*
9 *these support operations and all such reasonably*
10 *available and suitable vessels are employed in*
11 *support of such operations.*

12 *(b) EXPIRATION.—Irrespective of the year in which the*
13 *commitment referred to in subsection (a)(2)(A) occurs, for-*
14 *eign-flag anchor handling vessels may not be employed for*
15 *the setting, relocation, or recovery of anchors or other moor-*
16 *ing equipment of a mobile offshore drilling unit after De-*
17 *cember 31, 2017.*

18 *(c) LESSEE DEFINED.—In this section, the term “les-*
19 *see” means the holder of a lease (as defined in section*
20 *1331(c) of title 43, United States Code), who, prior to giv-*
21 *ing the written notice in subsection (a)(1), has entered into*
22 *a binding agreement to employ a suitable vessel documented*
23 *or to be documented under 12111(d) of title 46, United*
24 *States Code.*

1 (d) *SAVINGS PROVISION.*—*Nothing in subsection (a)*
 2 *may be construed to authorize the employment in the coast-*
 3 *wise trade of a vessel that does not meet the requirements*
 4 *of 12111 of title 46, United States Code.*

5 **SEC. 307. ARCTIC MARINE SHIPPING ASSESSMENT IMPLE-**
 6 **MENTATION.**

7 (a) *PURPOSE.*—*The purpose of this section is to ensure*
 8 *safe and secure maritime shipping in the Arctic including*
 9 *the availability of aids to navigation, vessel escorts, spill*
 10 *response capability, and maritime search and rescue in the*
 11 *Arctic.*

12 (b) *INTERNATIONAL MARITIME ORGANIZATION AGREE-*
 13 *MENTS.*—*To carry out the purpose of this section, the Sec-*
 14 *retary of the department in which the Coast Guard is oper-*
 15 *ating is encouraged to enter into negotiations through the*
 16 *International Maritime Organization to conclude and exe-*
 17 *cute agreements to promote coordinated action among the*
 18 *United States, Russia, Canada, Iceland, Norway, and Den-*
 19 *mark and other seafaring and Arctic nations to ensure, in*
 20 *the Arctic—*

21 (1) *placement and maintenance of aids to navi-*
 22 *gation;*

23 (2) *appropriate marine safety, tug, and salvage*
 24 *capabilities;*

25 (3) *oil spill prevention and response capability;*

1 (4) *maritime domain awareness, including long-*
 2 *range vessel tracking; and*

3 (5) *search and rescue.*

4 (c) *COORDINATION BY COMMITTEE ON THE MARITIME*
 5 *TRANSPORTATION SYSTEM.—The Committee on the Mari-*
 6 *time Transportation System established under a directive*
 7 *of the President in the Ocean Action Plan, issued December*
 8 *17, 2004, shall coordinate the establishment of domestic*
 9 *transportation policies in the Arctic necessary to carry out*
 10 *the purpose of this section.*

11 (d) *AGREEMENTS AND CONTRACTS.—The Secretary of*
 12 *the department in which the Coast Guard is operating may,*
 13 *subject to the availability of appropriations, enter into co-*
 14 *operative agreements, contracts, or other agreements with,*
 15 *or make grants to individuals and governments to carry*
 16 *out the purpose of this section or any agreements established*
 17 *under subsection (b).*

18 (e) *ICEBREAKING.—The Secretary of the department*
 19 *in which the Coast Guard is operating shall promote safe*
 20 *maritime navigation by means of icebreaking where nec-*
 21 *essary, feasible, and effective to carry out the purposes of*
 22 *this section.*

23 (f) *INDEPENDENT ICE BREAKER ANALYSES.—*

24 (1) *IN GENERAL.—Not later than 90 days after*
 25 *the date of enactment of this Act, the Secretary of the*

1 *department in which the Coast Guard is operating*
2 *shall require a nongovernmental, independent third*
3 *party (other than the National Academy of Sciences)*
4 *that has extensive experience in the analysis of mili-*
5 *tary procurements, to—*

6 *(A) conduct a comparative cost-benefit anal-*
7 *ysis, taking into account future Coast Guard*
8 *budget projections (which assume Coast Guard*
9 *budget growth of no more than inflation) and*
10 *other recapitalization needs, of—*

11 *(i) rebuilding, renovating, or improv-*
12 *ing the existing fleet of polar icebreakers for*
13 *operation by the Coast Guard;*

14 *(ii) constructing new polar icebreakers*
15 *for operation by the Coast Guard;*

16 *(iii) construction of new polar ice-*
17 *breakers by the National Science Founda-*
18 *tion for operation by the Foundation;*

19 *(iv) rebuilding, renovating, or improv-*
20 *ing the existing fleet of polar icebreakers by*
21 *the National Science Foundation for oper-*
22 *ation by the Foundation; and*

23 *(v) any combination of the activities*
24 *described in clause (i), (ii), (iii), or (iv) to*

1 *carry out the missions of the Coast Guard*
2 *and the National Science Foundation; and*
3 *(B) conduct a comprehensive analysis of the*
4 *impact on all Coast Guard activities, including*
5 *operations, maintenance, procurements, and end*
6 *strength, of the acquisition of polar icebreakers*
7 *described in subparagraph (A) by the Coast*
8 *Guard or the National Science Foundation as-*
9 *suming that total Coast Guard funding will not*
10 *increase more than the annual rate of inflation.*

11 (2) *REPORT.*—*Not later than 1 year after the*
12 *date of enactment of this Act, the Secretary of the de-*
13 *partment in which the Coast Guard is operating shall*
14 *submit a report containing the results of the analyses*
15 *required under paragraph (1), together with rec-*
16 *ommendations the Commandant considers appro-*
17 *priate under section 93(a)(24) of title 14, United*
18 *States Code, to the Committee on Commerce, Science,*
19 *and Transportation of the Senate and the Committee*
20 *on Transportation and Infrastructure of the House of*
21 *Representatives.*

22 (g) *HIGH-LATITUDE STUDY.*—*Not later than 90 days*
23 *after the date of enactment of this Act or the date of comple-*
24 *tion of the ongoing High-Latitude Study to assess polar*
25 *icebreaking mission requirements for all Coast Guard mis-*

1 sions including search and rescue, marine pollution re-
 2 sponse and prevention, fisheries enforcement, and maritime
 3 commerce, whichever occurs later, the Commandant of the
 4 Coast Guard shall submit a report containing the results
 5 of the study, together with recommendations the Com-
 6 mandant considers appropriate under section 93(a)(24) of
 7 title 14, United States Code, to the Committee on Com-
 8 merce, Science, and Transportation of the Senate and the
 9 Committee on Transportation and Infrastructure of the
 10 House of Representatives.

11 (h) *ARCTIC DEFINITION.*—In this section the term
 12 “Arctic” has the same meaning as in section 112 of the
 13 Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

14 **TITLE IV—ACQUISITION REFORM**

15 **SEC. 401. CHIEF ACQUISITION OFFICER.**

16 (a) *IN GENERAL.*—Chapter 3 of title 14, United States
 17 Code, is further amended by adding at the end the following:

18 **“§ 56. Chief Acquisition Officer**

19 “(a) *IN GENERAL.*—There shall be in the Coast Guard
 20 a Chief Acquisition Officer selected by the Commandant
 21 who shall be a Rear Admiral or civilian from the Senior
 22 Executive Service (career reserved) and who meets the
 23 qualifications set forth under subsection (b). The Chief Ac-
 24 quisition Officer shall serve at the Assistant Commandant

1 *level and have acquisition management as that individual's*
 2 *primary duty.*

3 “(b) *QUALIFICATIONS.—*

4 “(1) *The Chief Acquisition Officer and any flag*
 5 *officer serving in the Acquisition Directorate shall be*
 6 *an acquisition professional with a Level III acquisi-*
 7 *tion management certification and must have at least*
 8 *10 years experience in an acquisition position, of*
 9 *which at least 4 years were spent as—*

10 “(A) *the program executive officer;*

11 “(B) *the program manager of a Level 1 or*
 12 *Level 2 acquisition project or program;*

13 “(C) *the deputy program manager of a*
 14 *Level 1 or Level 2 acquisition;*

15 “(D) *the project manager of a Level 1 or*
 16 *Level 2 acquisition; or*

17 “(E) *any other acquisition position of sig-*
 18 *nificant responsibility in which the primary du-*
 19 *ties are supervisory or management duties.*

20 “(2) *The Commandant shall periodically publish*
 21 *a list of the positions designated under paragraph*
 22 *(1).*

23 “(3) *In this subsection each of the terms ‘Level*
 24 *1 acquisition’ and ‘Level 2 acquisition’ has the mean-*
 25 *ing that term has in chapter 15 of this title.*

1 “(c) *FUNCTIONS OF THE CHIEF ACQUISITION OFFI-*
2 *CER.—The functions of the Chief Acquisition Officer in-*
3 *clude—*

4 “(1) *monitoring the performance of acquisition*
5 *projects and programs on the basis of applicable per-*
6 *formance measurements and advising the Com-*
7 *mandant, through the chain of command, regarding*
8 *the appropriate business strategy to achieve the mis-*
9 *sions of the Coast Guard;*

10 “(2) *maximizing the use of full and open com-*
11 *petition at the prime contract and subcontract levels*
12 *in the acquisition of property, capabilities, assets,*
13 *and services by the Coast Guard by establishing poli-*
14 *cies, procedures, and practices that ensure that the*
15 *Coast Guard receives a sufficient number of sealed*
16 *bids or competitive proposals from responsible sources*
17 *to fulfill the Government’s requirements, including*
18 *performance and delivery schedules, at the lowest cost*
19 *or best value considering the nature of the property,*
20 *capability, asset, or service procured;*

21 “(3) *making acquisition decisions in concurrence*
22 *with the technical authority, or technical authorities,*
23 *of the Coast Guard, as designated by the Com-*
24 *mandant, consistent with all other applicable laws*

1 *and decisions establishing procedures within the*
2 *Coast Guard;*

3 *“(4) ensuring the use of detailed performance*
4 *specifications in instances in which performance-*
5 *based contracting is used;*

6 *“(5) managing the direction of acquisition policy*
7 *for the Coast Guard, including implementation of the*
8 *unique acquisition policies, regulations, and stand-*
9 *ards of the Coast Guard;*

10 *“(6) developing and maintaining an acquisition*
11 *career management program in the Coast Guard to*
12 *ensure that there is an adequate acquisition work-*
13 *force;*

14 *“(7) assessing the requirements established for*
15 *Coast Guard personnel regarding knowledge and skill*
16 *in acquisition resources and management and the*
17 *adequacy of such requirements for facilitating the*
18 *achievement of the performance goals established for*
19 *acquisition management;*

20 *“(8) developing strategies and specific plans for*
21 *hiring, training, and professional development; and*

22 *“(9) reporting to the Commandant, through the*
23 *chain of command, on the progress made in improv-*
24 *ing acquisition management capability.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents for*
2 *chapter 3 of title 14, United States Code, is amended by*
3 *adding at the end the following:*

“56. Chief Acquisition Officer.”.

4 (c) *SELECTION DEADLINE.*—*As soon as practicable*
5 *after the date of enactment of this Act, but no later than*
6 *October 1, 2011, the Commandant of the Coast Guard shall*
7 *select a Chief Acquisition Officer under section 56 of title*
8 *14, United States Code, as amended by this section.*

9 (d) *SPECIAL RATE SUPPLEMENTS.*—

10 (1) *REQUIREMENT TO ESTABLISH.*—*Not later*
11 *than 1 year after the date of enactment of this Act*
12 *and in accordance with part 9701.333 of title 5, Code*
13 *of Federal Regulations, the Commandant of the Coast*
14 *Guard shall establish special rate supplements that*
15 *provide higher pay levels for employees necessary to*
16 *carry out the amendment made by this section.*

17 (2) *SUBJECT TO APPROPRIATIONS.*—*The require-*
18 *ment under paragraph (1) is subject to the avail-*
19 *ability of appropriations.*

20 (e) *ELEVATION OF DISPUTES TO THE CHIEF ACQUI-*
21 *SITION OFFICER.*—*If, after 90 days following the elevation*
22 *to the Chief Acquisition Officer of any design or other dis-*
23 *pute regarding Level 1 or Level 2 acquisition, the dispute*
24 *remains unresolved, the Commandant shall provide to the*
25 *appropriate congressional committees a detailed description*

1 *of the issue and the rationale underlying the decision taken*
 2 *by the Chief Acquisition Officer to resolve the issue.*

3 **SEC. 402. ACQUISITIONS.**

4 *(a) IN GENERAL.—Part I of title 14, United States*
 5 *Code, is amended by inserting after chapter 13 the fol-*
 6 *lowing:*

“CHAPTER 15—ACQUISITIONS

“SUBCHAPTER I—GENERAL PROVISIONS

“Sec.

“561. Acquisition directorate.

“562. Improvements in Coast Guard acquisition management.

“563. Recognition of Coast Guard personnel for excellence in acquisition.

“564. Prohibition on use of lead systems integrators.

“565. Required contract terms.

“566. Department of Defense consultation.

“567. Undefined contractual actions.

“568. Guidance on excessive pass-through charges.

“569. Report on former Coast Guard officials employed by contractors to the agency.

“SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

“Sec.

“571. Identification of major system acquisitions.

“572. Acquisition.

“573. Preliminary development and demonstration.

“574. Acquisition, production, deployment, and support.

“575. Acquisition program baseline breach.

“576. Acquisition approval authority.

“SUBCHAPTER III—DEFINITIONS

“581. Definitions.

7 “SUBCHAPTER I—GENERAL PROVISIONS

8 “§ 561. Acquisition directorate

9 “(a) ESTABLISHMENT.—The Commandant of the
 10 Coast Guard shall establish an acquisition directorate to
 11 provide guidance and oversight for the implementation and

1 *management of all Coast Guard acquisition processes, pro-*
 2 *grams, and projects.*

3 “(b) *MISSION.—The mission of the acquisition direc-*
 4 *torate is—*

5 “(1) *to acquire and deliver assets and systems*
 6 *that increase operational readiness, enhance mission*
 7 *performance, and create a safe working environment;*
 8 *and*

9 “(2) *to assist in the development of a workforce*
 10 *that is trained and qualified to further the Coast*
 11 *Guard’s missions and deliver the best-value products*
 12 *and services to the Nation.*

13 **“§ 562. *Improvements in Coast Guard acquisition***
 14 ***management***

15 “(a) *PROJECT OR PROGRAM MANAGERS.—*

16 “(1) *LEVEL 1 PROJECTS.—An individual may*
 17 *not be assigned as the project or program manager for*
 18 *a Level 1 acquisition unless the individual holds a*
 19 *Level III acquisition certification as a program man-*
 20 *ager.*

21 “(2) *LEVEL 2 PROJECTS.—An individual may*
 22 *not be assigned as the project or program manager for*
 23 *a Level 2 acquisition unless the individual holds a*
 24 *Level II acquisition certification as a program man-*
 25 *ager.*

1 “(b) *GUIDANCE ON TENURE AND ACCOUNTABILITY OF*
2 *PROGRAM AND PROJECT MANAGERS.*—

3 “(1) *ISSUANCE OF GUIDANCE.*—*Not later than*
4 *one year after the date of enactment of the Coast*
5 *Guard Authorization Act for Fiscal Years 2010 and*
6 *2011, the Commandant shall issue guidance to ad-*
7 *dress the qualifications, resources, responsibilities,*
8 *tenure, and accountability of program and project*
9 *managers for the management of acquisition projects*
10 *and programs. The guidance shall address, at a min-*
11 *imum—*

12 “(A) *the qualifications required for project*
13 *or program managers, including the number of*
14 *years of acquisition experience and the profes-*
15 *sional training levels to be required of those ap-*
16 *pointed to project or program management posi-*
17 *tions;*

18 “(B) *authorities available to project or pro-*
19 *gram managers, including, to the extent appro-*
20 *priate, the authority to object to the addition of*
21 *new program requirements that would be incon-*
22 *sistent with the parameters established for an ac-*
23 *quisition program; and*

24 “(C) *the extent to which a project or pro-*
25 *gram manager who initiates a new acquisition*

1 *project or program will continue in management*
2 *of that project or program without interruption*
3 *until the delivery of the first production units of*
4 *the program.*

5 “(2) *STRATEGY.*—

6 “(A) *IN GENERAL.*—*Not later than 18*
7 *months after the date of enactment of this sec-*
8 *tion, the Commandant shall develop a com-*
9 *prehensive strategy for enhancing the role of*
10 *Coast Guard project or program managers in de-*
11 *veloping and carrying out acquisition programs.*

12 “(B) *MATTERS TO BE ADDRESSED.*—*The*
13 *strategy required by this section shall address, at*
14 *a minimum—*

15 “(i) *the creation of a specific career*
16 *path and career opportunities for individ-*
17 *uals who are or may become project or pro-*
18 *gram managers, including the rotational*
19 *assignments that will be provided to project*
20 *or program managers;*

21 “(ii) *the provision of enhanced train-*
22 *ing and educational opportunities for indi-*
23 *viduals who are or may become project or*
24 *program managers;*

1 “(iii) the provision of mentoring sup-
2 port to current and future project or pro-
3 gram managers by experienced senior execu-
4 tives and program managers within the
5 Coast Guard, and through rotational as-
6 signments to the Department of Defense;

7 “(iv) the methods by which the Coast
8 Guard will collect and disseminate best
9 practices and lessons learned on systems ac-
10 quisition to enhance project and program
11 management throughout the Coast Guard;

12 “(v) the templates and tools that will
13 be used to support improved data gathering
14 and analysis for project and program man-
15 agement and oversight purposes, including
16 the metrics that will be utilized to assess the
17 effectiveness of Coast Guard project or pro-
18 gram managers in managing systems acqui-
19 sition efforts; and

20 “(vi) the methods by which the ac-
21 countability of project or program man-
22 agers for the results of acquisition projects
23 and programs will be increased.

24 “(c) ACQUISITION WORKFORCE.—

1 “(1) *IN GENERAL.*—*The Commandant shall des-*
2 *ignate a sufficient number of positions to be in the*
3 *Coast Guard’s acquisition workforce to perform acqui-*
4 *sition-related functions at Coast Guard headquarters*
5 *and field activities.*

6 “(2) *REQUIRED POSITIONS.*—*In designating po-*
7 *sitions under subsection (a), the Commandant shall*
8 *include, at a minimum, positions encompassing the*
9 *following competencies and functions:*

10 “(A) *Program management.*

11 “(B) *Systems planning, research, develop-*
12 *ment, engineering, and testing.*

13 “(C) *Procurement, including contracting.*

14 “(D) *Industrial and contract property man-*
15 *agement.*

16 “(E) *Life-cycle logistics.*

17 “(F) *Quality control and assurance.*

18 “(G) *Manufacturing and production.*

19 “(H) *Business, cost estimating, financial*
20 *management, and auditing.*

21 “(I) *Acquisition education, training, and*
22 *career development.*

23 “(J) *Construction and facilities engineer-*
24 *ing.*

25 “(K) *Testing and evaluation.*

1 “(3) *ACQUISITION MANAGEMENT HEADQUARTER*
2 *ACTIVITIES.*—*The Commandant shall also designate*
3 *as positions in the acquisition workforce under para-*
4 *graph (1) those acquisition-related positions located*
5 *at Coast Guard headquarters units.*

6 “(4) *APPROPRIATE EXPERTISE REQUIRED.*—*The*
7 *Commandant shall ensure that each individual as-*
8 *signed to a position in the acquisition workforce has*
9 *the appropriate expertise to carry out the responsibil-*
10 *ities of that position.*

11 “(d) *MANAGEMENT INFORMATION SYSTEM.*—

12 “(1) *IN GENERAL.*—*The Commandant shall es-*
13 *tablish a management information system capability*
14 *to improve acquisition workforce management and re-*
15 *porting.*

16 “(2) *INFORMATION MAINTAINED.*—*Information*
17 *maintained with such capability shall include the fol-*
18 *lowing standardized information on individuals as-*
19 *signed to positions in the workforce:*

20 “(A) *Qualifications, assignment history,*
21 *and tenure of those individuals assigned to posi-*
22 *tions in the acquisition workforce or holding ac-*
23 *quisition-related certifications.*

1 “(B) *Promotion rates for officers and mem-*
2 *bers of the Coast Guard in the acquisition work-*
3 *force.*

4 “(e) *REPORT ON ADEQUACY OF ACQUISITION WORK-*
5 *FORCE.—*

6 “(1) *IN GENERAL.—The Commandant shall re-*
7 *port to the appropriate congressional committees and*
8 *the Committee on Homeland Security of the House of*
9 *Representatives by July 1 of each year on the scope*
10 *of the acquisition activities to be performed in the*
11 *next fiscal year and on the adequacy of the current*
12 *acquisition workforce to meet that anticipated work-*
13 *load.*

14 “(2) *CONTENTS.—The report shall—*

15 “(A) *specify the number of officers, mem-*
16 *bers, and employees of the Coast Guard currently*
17 *and planned to be assigned to each position des-*
18 *ignated under subsection (c); and*

19 “(B) *identify positions that are understaffed*
20 *to meet the anticipated acquisition workload,*
21 *and actions that will be taken to correct such*
22 *understaffing.*

23 “(f) *APPOINTMENTS TO ACQUISITION POSITIONS.—The*
24 *Commandant shall ensure that no requirement or preference*
25 *for officers or members of the Coast Guard is used in the*

1 *consideration of persons for positions in the acquisition*
2 *workforce.*

3 “(g) *CAREER PATHS.*—

4 “(1) *IDENTIFICATION OF CAREER PATHS.*—*To es-*
5 *tablish acquisition management as a core competency*
6 *of the Coast Guard, the Commandant shall—*

7 “(A) *ensure that career paths for officers,*
8 *members, and employees of the Coast Guard who*
9 *wish to pursue careers in acquisition are identi-*
10 *fied in terms of the education, training, experi-*
11 *ence, and assignments necessary for career pro-*
12 *gression of those officers, members, and employ-*
13 *ees to the most senior positions in the acquisition*
14 *workforce; and*

15 “(B) *publish information on such career*
16 *paths.*

17 “(2) *PROMOTION PARITY.*—*The Commandant*
18 *shall ensure that promotion parity is established for*
19 *officers and members of the Coast Guard who have*
20 *been assigned to the acquisition workforce relative to*
21 *officers and members who have not been assigned to*
22 *the acquisition workforce.*

1 **“§ 563. Recognition of Coast Guard personnel for ex-**
2 **cellence in acquisition**

3 “(a) *IN GENERAL.*—Not later than 180 days after the
4 date of enactment of the Coast Guard Authorization Act for
5 Fiscal Years 2010 and 2011, the Commandant shall com-
6 mence implementation of a program to recognize excellent
7 performance by individuals and teams comprised of officers,
8 members, and employees of the Coast Guard that contrib-
9 uted to the long-term success of a Coast Guard acquisition
10 project or program.

11 “(b) *ELEMENTS.*—The program shall include—

12 “(1) *specific award categories, criteria, and eli-*
13 *gibility and manners of recognition;*

14 “(2) *procedures for the nomination by personnel*
15 *of the Coast Guard of individuals and teams com-*
16 *prised of officers, members, and employees of the*
17 *Coast Guard for recognition under the program; and*

18 “(3) *procedures for the evaluation of nomina-*
19 *tions for recognition under the program by one or*
20 *more panels of individuals from the Government, aca-*
21 *demia, and the private sector who have such expertise*
22 *and are appointed in such manner as the Com-*
23 *mandant shall establish for the purposes of this pro-*
24 *gram.*

25 “(c) *AWARD OF CASH BONUSES.*—As part of the pro-
26 gram required by subsection (a), the Commandant, subject

1 *to the availability of appropriations, may award to any*
 2 *civilian employee recognized pursuant to the program a*
 3 *cash bonus to the extent that the performance of such indi-*
 4 *vidual so recognized warrants the award of such bonus.*

5 **“§ 564. Prohibition on use of lead systems integrators**

6 “(a) *IN GENERAL.*—

7 “(1) *USE OF LEAD SYSTEMS INTEGRATOR.*—*Ex-*
 8 *cept as provided in subsection (b), the Commandant*
 9 *may not use a private sector entity as a lead systems*
 10 *integrator for an acquisition contract awarded or de-*
 11 *livery order or task order issued after the date of en-*
 12 *actment of the Coast Guard Authorization Act for*
 13 *Fiscal Years 2010 and 2011.*

14 “(2) *FULL AND OPEN COMPETITION.*—*The Com-*
 15 *mandant and any lead systems integrator engaged by*
 16 *the Coast Guard, pursuant to the exceptions described*
 17 *in subsection (b), shall use full and open competition*
 18 *for any acquisition contract awarded after the date of*
 19 *enactment of that Act, unless otherwise excepted in*
 20 *accordance with Federal acquisition laws and regula-*
 21 *tions promulgated under those laws, including the*
 22 *Federal Acquisition Regulation.*

23 “(3) *NO EFFECT ON SMALL BUSINESS ACT.*—
 24 *Nothing in this subsection shall be construed to super-*
 25 *sede or otherwise affect the authorities provided by*

1 *and under the Small Business Act (15 U.S.C. 631 et*
 2 *seq.).*

3 “(b) *EXCEPTIONS.*—

4 “(1) *NATIONAL DISTRESS AND RESPONSE SYS-*
 5 *TEM MODERNIZATION PROGRAM; C4ISR; NATIONAL SE-*
 6 *CURITY CUTTERS 2 AND 3.*—*Notwithstanding sub-*
 7 *section (a), the Commandant may use a private sec-*
 8 *tor entity as a lead systems integrator for the Coast*
 9 *Guard to complete the National Distress and Re-*
 10 *sponse System Modernization Program (otherwise*
 11 *known as the ‘Rescue 21’ program), the C4ISR*
 12 *projects directly related to the Integrated Deepwater*
 13 *program, and National Security Cutters 2 and 3, if*
 14 *the Secretary of the department in which the Coast*
 15 *Guard is operating certifies that—*

16 “(A) *the acquisition is in accordance with*
 17 *Federal law and the Federal Acquisition Regula-*
 18 *tion; and*

19 “(B) *the acquisition and the use of a pri-*
 20 *vate sector lead systems integrator for the acqui-*
 21 *sition is in the best interest of the Federal Gov-*
 22 *ernment.*

23 “(2) *REPORT ON DECISIONMAKING PROCESS.*—*If*
 24 *the Commandant uses a private sector lead systems*
 25 *integrator for an acquisition, the Commandant shall*

1 *notify in writing the appropriate congressional com-*
2 *mittees of the Commandant's determination and shall*
3 *provide to such committees a detailed rationale for*
4 *the determination, at least 30 days before the award*
5 *of a contract or issuance of a delivery order or task*
6 *order, using a private sector lead systems integrator,*
7 *including a comparison of the cost of the acquisition*
8 *through the private sector lead systems integrator*
9 *with the expected cost if the acquisition were awarded*
10 *directly to the manufacturer or shipyard. For pur-*
11 *poses of that comparison, the cost of award directly*
12 *to a manufacturer or shipyard shall include the costs*
13 *of Government contract management and oversight.*

14 “(c) *LIMITATION ON LEAD SYSTEMS INTEGRATORS.—*
15 *Neither an entity performing lead systems integrator func-*
16 *tions for a Coast Guard acquisition nor a Tier 1 subcon-*
17 *tractor for any acquisition may have a financial interest*
18 *in a subcontractor below the Tier 1 subcontractor level un-*
19 *less—*

20 “(1) *the subcontractor was selected by the prime*
21 *contractor through full and open competition for such*
22 *procurement;*

23 “(2) *the procurement was awarded by the lead*
24 *systems integrator or a subcontractor through full and*
25 *open competition;*

1 “(3) the procurement was awarded by a subcon-
2 tractor through a process over which the lead systems
3 integrator and a Tier 1 subcontractor exercised no
4 control; or

5 “(4) the Commandant has determined that the
6 procurement was awarded in a manner consistent
7 with Federal acquisition laws and regulations pro-
8 mulgated under those laws, including the Federal Ac-
9 quisition Regulation.

10 “(d) *TERMINATION DATE FOR EXCEPTIONS.*—*Except*
11 *as described in subsection (b)(1), the Commandant may not*
12 *use a private sector entity as a lead systems integrator for*
13 *acquisition contracts awarded, or task orders or delivery*
14 *orders issued, after the earlier of—*

15 “(1) September 30, 2011; or

16 “(2) the date on which the Commandant certifies
17 in writing to the appropriate congressional commit-
18 tees that the Coast Guard has available and can re-
19 tain sufficient acquisition workforce personnel and ex-
20 pertise within the Coast Guard, through an arrange-
21 ment with other Federal agencies, or through con-
22 tracts or other arrangements with private sector enti-
23 ties, to perform the functions and responsibilities of
24 the lead systems integrator in an efficient and cost-
25 effective manner.

1 **“§ 565. Required contract terms**

2 “(a) *IN GENERAL.*—*The Commandant shall ensure*
3 *that a contract awarded or a delivery order or task order*
4 *issued for an acquisition of a capability or an asset with*
5 *an expected service life of 10 or more years and with a total*
6 *acquisition cost that is equal to or exceeds \$10,000,000*
7 *awarded or issued by the Coast Guard after the date of en-*
8 *actment of the Coast Guard Authorization Act for Fiscal*
9 *Years 2010 and 2011—*

10 “(1) *provides that all certifications for an end-*
11 *state capability or asset under such contract, delivery*
12 *order, or task order, respectively, will be conducted by*
13 *the Commandant or an independent third party, and*
14 *that self-certification by a contractor or subcontractor*
15 *is not allowed;*

16 “(2) *provides that the Commandant shall main-*
17 *tain the authority to establish, approve, and main-*
18 *tain technical requirements;*

19 “(3) *requires that any measurement of contractor*
20 *and subcontractor performance be based on the status*
21 *of all work performed, including the extent to which*
22 *the work performed met all performance, cost, and*
23 *schedule requirements;*

24 “(4) *specifies that, for the acquisition or upgrade*
25 *of air, surface, or shore capabilities and assets for*
26 *which compliance with TEMPEST certification is a*

1 *requirement, the standard for determining such com-*
 2 *pliance will be the air, surface, or shore standard then*
 3 *used by the Department of the Navy for that type of*
 4 *capability or asset; and*

5 *“(5) for any contract awarded to acquire an Off-*
 6 *shore Patrol Cutter, includes provisions specifying the*
 7 *service life, fatigue life, and days underway in gen-*
 8 *eral Atlantic and North Pacific Sea conditions, max-*
 9 *imum range, and maximum speed the cutter will be*
 10 *built to achieve.*

11 *“(b) PROHIBITED PROVISIONS.—*

12 *“(1) IN GENERAL.—The Commandant shall en-*
 13 *sure that any contract awarded or delivery order or*
 14 *task order issued by the Coast Guard after the date*
 15 *of enactment of the Coast Guard Authorization Act of*
 16 *2010 does not include any provision allowing for eq-*
 17 *uitable adjustment that is not consistent with the*
 18 *Federal Acquisition Regulations.*

19 *“(2) EXTENSION OF PROGRAM.—A contract, con-*
 20 *tract modification, or award term extending a con-*
 21 *tract with a lead systems integrator—*

22 *“(A) may not include any minimum re-*
 23 *quirements for the purchase of a given or deter-*
 24 *minable number of specific capabilities or assets;*
 25 *and*

1 “(B) shall be reviewed by an independent
2 third party with expertise in acquisition man-
3 agement, and the results of that review shall be
4 submitted to the appropriate congressional com-
5 mittees at least 60 days prior to the award of the
6 contract, contract modification, or award term.

7 “(c) *INTEGRATED PRODUCT TEAMS*.—Integrated prod-
8 uct teams, and all teams that oversee integrated product
9 teams, shall be chaired by officers, members, or employees
10 of the Coast Guard.

11 “(d) *TECHNICAL AUTHORITY*.—The Commandant
12 shall maintain or designate the technical authority to estab-
13 lish, approve, and maintain technical requirements. Any
14 such designation shall be made in writing and may not
15 be delegated to the authority of the Chief Acquisition Officer
16 established by section 56 of this title.

17 **“§ 566. Department of Defense consultation**

18 “(a) *IN GENERAL*.—The Commandant shall make ar-
19 rangements as appropriate with the Secretary of Defense
20 for support in contracting and management of Coast Guard
21 acquisition programs. The Commandant shall also seek op-
22 portunities to make use of Department of Defense contracts,
23 and contracts of other appropriate agencies, to obtain the
24 best possible price for assets acquired for the Coast Guard.

1 “(b) *INTERSERVICE TECHNICAL ASSISTANCE.*—The
2 *Commandant shall seek to enter into a memorandum of un-*
3 *derstanding or a memorandum of agreement with the Sec-*
4 *retary of the Navy to obtain the assistance of the Office of*
5 *the Assistant Secretary of the Navy for Research, Develop-*
6 *ment, and Acquisition, including the Navy Systems Com-*
7 *mand, with the oversight of Coast Guard major acquisition*
8 *programs. The memorandum of understanding or memo-*
9 *randum of agreement shall, at a minimum, provide for—*
10 “(1) *the exchange of technical assistance and*
11 *support that the Assistant Commandants for Acquisi-*
12 *tion, Human Resources, Engineering, and Informa-*
13 *tion technology may identify;*
14 “(2) *the use, as appropriate, of Navy technical*
15 *expertise; and*
16 “(3) *the temporary assignment or exchange of*
17 *personnel between the Coast Guard and the Office of*
18 *the Assistant Secretary of the Navy for Research, De-*
19 *velopment, and Acquisition, including Naval Systems*
20 *Command, to facilitate the development of organic ca-*
21 *pabilities in the Coast Guard.*
22 “(c) *TECHNICAL REQUIREMENT APPROVAL PROCEDURE*
23 *S.*—*The Chief Acquisition Officer shall adopt, to the*
24 *extent practicable, procedures modeled after those used by*

1 *the Navy Senior Acquisition Official to approve all tech-*
 2 *nical requirements.*

3 “(d) *ASSESSMENT.*—*Within 180 days after the date of*
 4 *enactment of the Coast Guard Authorization Act for fiscal*
 5 *years 2010 and 2011, the Comptroller General of the United*
 6 *States shall transmit a report to the appropriate congres-*
 7 *sional committees that—*

8 “(1) *contains an assessment of current Coast*
 9 *Guard acquisition and management capabilities to*
 10 *manage Level 1 and Level 2 acquisitions;*

11 “(2) *includes recommendations as to how the*
 12 *Coast Guard can improve its acquisition manage-*
 13 *ment, either through internal reforms or by seeking*
 14 *acquisition expertise from the Department of Defense;*
 15 *and*

16 “(3) *addresses specifically the question of wheth-*
 17 *er the Coast Guard can better leverage Department of*
 18 *Defense or other agencies’ contracts that would meet*
 19 *the needs of Level 1 or Level 2 acquisitions in order*
 20 *to obtain the best possible price.*

21 **“§ 567. *Undefinitized contractual actions***

22 “(a) *IN GENERAL.*—*The Coast Guard may not enter*
 23 *into an undefinitized contractual action unless such action*
 24 *is directly approved by the Head of Contracting Activity*
 25 *of the Coast Guard.*

1 “(b) *REQUESTS FOR UNDEFINITIZED CONTRACTUAL*
 2 *ACTIONS.*—*Any request to the Head of Contracting Activity*
 3 *for approval of an undefinitized contractual action shall*
 4 *include a description of the anticipated effect on require-*
 5 *ments of the Coast Guard if a delay is incurred for the*
 6 *purposes of determining contractual terms, specifications,*
 7 *and price before performance is begun under the contractual*
 8 *action.*

9 “(c) *REQUIREMENTS FOR UNDEFINITIZED CONTRAC-*
 10 *TUAL ACTIONS.*—

11 “(1) *DEADLINE FOR AGREEMENT ON TERMS,*
 12 *SPECIFICATIONS, AND PRICE.*—*A contracting officer of*
 13 *the Coast Guard may not enter into an undefinitized*
 14 *contractual action unless the contractual action pro-*
 15 *vides for agreement upon contractual terms, specifica-*
 16 *tion, and price by the earlier of—*

17 “(A) *the end of the 180-day period begin-*
 18 *ning on the date on which the contractor submits*
 19 *a qualifying proposal to definitize the contrac-*
 20 *tual terms, specifications, and price; or*

21 “(B) *the date on which the amount of funds*
 22 *obligated under the contractual action is equal to*
 23 *more than 50 percent of the negotiated overall*
 24 *ceiling price for the contractual action.*

25 “(2) *LIMITATION ON OBLIGATIONS.*—

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), the contracting officer for an*
3 *undefinitized contractual action may not obli-*
4 *gate under such contractual action an amount*
5 *that exceeds 50 percent of the negotiated overall*
6 *ceiling price until the contractual terms, speci-*
7 *fications, and price are definitized for such con-*
8 *tractual action.*

9 “(B) *EXCEPTION.*—*Notwithstanding sub-*
10 *paragraph (A), if a contractor submits a quali-*
11 *fying proposal to definitize an undefinitized con-*
12 *tractual action before an amount that exceeds 50*
13 *percent of the negotiated overall ceiling price is*
14 *obligated on such action, the contracting officer*
15 *for such action may not obligate with respect to*
16 *such contractual action an amount that exceeds*
17 *75 percent of the negotiated overall ceiling price*
18 *until the contractual terms, specifications, and*
19 *price are definitized for such contractual action.*

20 “(3) *WAIVER.*—*The Commandant may waive the*
21 *application of this subsection with respect to a con-*
22 *tract if the Commandant determines that the waiver*
23 *is necessary to support—*

24 “(A) *a contingency operation (as that term*
25 *is defined in section 101(a)(13) of title 10);*

1 “(B) operations to prevent or respond to a
2 transportation security incident (as defined in
3 section 70101(6) of title 46);

4 “(C) an operation in response to an emer-
5 gency that poses an unacceptable threat to
6 human health or safety or to the marine environ-
7 ment; or

8 “(D) an operation in response to a natural
9 disaster or major disaster or emergency des-
10 ignated by the President under the Robert T.
11 Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5121 et seq.).

13 “(4) *LIMITATION ON APPLICATION.*—This sub-
14 section does not apply to an undefinitized contractual
15 action for the purchase of initial spares.

16 “(d) *INCLUSION OF NONURGENT REQUIREMENTS.*—
17 Requirements for spare parts and support equipment that
18 are not needed on an urgent basis may not be included in
19 an undefinitized contractual action by the Coast Guard for
20 spare parts and support equipment that are needed on an
21 urgent basis unless the Commandant approves such inclu-
22 sion as being—

23 “(1) good business practice; and

24 “(2) in the best interests of the United States.

1 “(e) *MODIFICATION OF SCOPE.*—*The scope of an*
 2 *undefinitized contractual action under which performance*
 3 *has begun may not be modified unless the Commandant ap-*
 4 *proves such modification as being—*

5 “(1) *good business practice; and*

6 “(2) *in the best interests of the United States.*

7 “(f) *ALLOWABLE PROFIT.*—*The Commandant shall en-*
 8 *sure that the profit allowed on an undefinitized contractual*
 9 *action for which the final price is negotiated after a sub-*
 10 *stantial portion of the performance required is completed*
 11 *reflects—*

12 “(1) *the possible reduced cost risk of the con-*
 13 *tractor with respect to costs incurred during perform-*
 14 *ance of the contract before the final price is nego-*
 15 *tiated; and*

16 “(2) *the reduced cost risk of the contractor with*
 17 *respect to costs incurred during performance of the re-*
 18 *maining portion of the contract.*

19 “(g) *DEFINITIONS.*—*In this section:*

20 “(1) *UNDEFINITIZED CONTRACTUAL ACTION.*—

21 “(A) *IN GENERAL.*—*Except as provided in*
 22 *subparagraph (B), the term ‘undefinitized con-*
 23 *tractual action’ means a new procurement action*
 24 *entered into by the Coast Guard for which the*
 25 *contractual terms, specifications, or price are not*

1 *agreed upon before performance is begun under*
 2 *the action.*

3 “(B) *EXCLUSION.*—*The term ‘undefinitized*
 4 *contractual action’ does not include contractual*
 5 *actions with respect to—*

6 “(i) *foreign military sales;*

7 “(ii) *purchases in an amount not in*
 8 *excess of the amount of the simplified acqui-*
 9 *sition threshold; or*

10 “(iii) *special access programs.*

11 “(2) *QUALIFYING PROPOSAL.*—*The term “quali-*
 12 *fying proposal’ means a proposal that contains suffi-*
 13 *cient information to enable complete and meaningful*
 14 *audits of the information contained in the proposal as*
 15 *determined by the contracting officer.*

16 **“§ 568. Guidance on excessive pass-through charges**

17 “(a) *IN GENERAL.*—*Not later than 180 days after the*
 18 *date of enactment of the Coast Guard Authorization Act for*
 19 *Fiscal Years 2010 and 2011, the Commandant shall issue*
 20 *guidance to ensure that pass-through charges on contracts,*
 21 *subcontracts, delivery orders, and task orders that are en-*
 22 *tered into with a private entity acting as a lead systems*
 23 *integrator by or on behalf of the Coast Guard are not exces-*
 24 *sive in relation to the cost of work performed by the relevant*

1 contractor or subcontractor. The guidance shall, at a min-
2 imum—

3 “(1) set forth clear standards for determining
4 when no, or negligible, value has been added to a con-
5 tract by a contractor or subcontractor;

6 “(2) set forth procedures for preventing the pay-
7 ment by the Government of excessive pass-through
8 charges; and

9 “(3) identify any exceptions determined by the
10 Commandant to be in the best interest of the Govern-
11 ment.

12 “(b) *EXCESSIVE PASS-THROUGH CHARGE DE-*
13 *FINED.*—In this section the term ‘excessive pass-through
14 charge’, with respect to a contractor or subcontractor that
15 adds no, or negligible, value to a contract or subcontract,
16 means a charge to the Government by the contractor or sub-
17 contractor that is for overhead or profit on work performed
18 by a lower tier contractor or subcontractor, other than rea-
19 sonable charges for the direct costs of managing lower tier
20 contractors and subcontracts and overhead and profit based
21 on such direct costs.

22 “(c) *APPLICATION OF GUIDANCE.*—The guidance
23 under this subsection shall apply to contracts awarded to
24 a private entity acting as a lead systems integrator by or
25 on behalf of the Coast Guard on or after the date that is

1 360 days after the date of enactment of the Coast Guard
 2 Authorization Act for Fiscal Years 2010 and 2011.

3 **“§ 569. Report on former Coast Guard officials em-**
 4 **ployed by contractors to the agency**

5 “(a) *REPORT REQUIRED.*—Not later than December
 6 31, 2011, and annually thereafter, the Comptroller General
 7 of the United States shall submit a report to the appro-
 8 priate congressional committees on the employment during
 9 the preceding year by Coast Guard contractors of individ-
 10 uals who were Coast Guard officials in the previous 5-year
 11 period. The report shall assess the extent to which former
 12 Coast Guard officials were provided compensation by Coast
 13 Guard contractors in the preceding calendar year.

14 “(b) *OBJECTIVES OF REPORT.*—At a minimum, the
 15 report required by this section shall assess the extent to
 16 which former Coast Guard officials who receive compensa-
 17 tion from Coast Guard contractors have been assigned by
 18 those contractors to work on contracts or programs between
 19 the contractor and the Coast Guard, including contracts or
 20 programs for which the former official personally had over-
 21 sight responsibility or decisionmaking authority when they
 22 served in or worked for the Coast Guard.

23 “(c) *CONFIDENTIALITY REQUIREMENT.*—The report
 24 required by this subsection shall not include the names of

1 *the former Coast Guard officials who receive compensation*
2 *from Coast Guard contractors.*

3 “(d) *ACCESS TO INFORMATION.*—*A Coast Guard con-*
4 *tractor shall provide the Comptroller General access to in-*
5 *formation requested by the Comptroller General for the pur-*
6 *pose of conducting the study required by this section.*

7 “(e) *DEFINITIONS.*—*In this section:*

8 “(1) *COAST GUARD CONTRACTOR.*—*The term*
9 *‘Coast Guard contractor’ includes any person that re-*
10 *ceived at least \$10,000,000 in contractor awards from*
11 *the Coast Guard in the calendar year covered by the*
12 *annual report.*

13 “(2) *COAST GUARD OFFICIAL.*—*The term ‘Coast*
14 *Guard official’ includes former officers of the Coast*
15 *Guard who were compensated at a rate of pay for*
16 *grade O–7 or above during the calendar year prior to*
17 *the date on which they separated from the Coast*
18 *Guard, and former civilian employees of the Coast*
19 *Guard who served at any Level of the Senior Execu-*
20 *tive Service under subchapter VIII of chapter 53 of*
21 *title 5, United States Code, during the calendar year*
22 *prior to the date on which they separated from the*
23 *Coast Guard.*

1 “SUBCHAPTER II—IMPROVED ACQUISITION
2 PROCESS AND PROCEDURES

3 **“§ 571. Identification of major system acquisitions**

4 “(a) *IN GENERAL.*—

5 “(1) *SUPPORT MECHANISMS.*—*The Commandant*
6 *shall develop and implement mechanisms to support*
7 *the establishment of mature and stable operational re-*
8 *quirements for all acquisitions.*

9 “(2) *MISSION ANALYSIS; AFFORDABILITY ASSESS-*
10 *MENT.*—*The Commandant may not initiate a Level 1*
11 *or Level 2 acquisition project or program until the*
12 *Commandant—*

13 “(A) *completes a mission analysis that—*

14 “(i) *identifies the specific capability*
15 *gaps to be addressed by the project or pro-*
16 *gram; and*

17 “(ii) *develops a clear mission need to*
18 *be addressed by the project or program; and*

19 “(B) *prepares a preliminary affordability*
20 *assessment for the project or program.*

21 “(b) *ELEMENTS.*—

22 “(1) *REQUIREMENTS.*—*The mechanisms required*
23 *by subsection (a) shall ensure the implementation of*
24 *a formal process for the development of a mission-*
25 *needs statement, concept-of-operations document, ca-*

1 *pability development plan, and resource proposal for*
 2 *the initial project or program funding, and shall en-*
 3 *sure the project or program is included in the Coast*
 4 *Guard Capital Investment Plan.*

5 “(2) *ASSESSMENT OF TRADE-OFFS.—In con-*
 6 *ducting an affordability assessment under subsection*
 7 *(a)(2)(B), the Commandant shall develop and imple-*
 8 *ment mechanisms to ensure that trade-offs among*
 9 *cost, schedule, and performance are considered in the*
 10 *establishment of preliminary operational require-*
 11 *ments for development and production of new assets*
 12 *and capabilities for Level 1 and Level 2 acquisitions*
 13 *projects and programs.*

14 “(c) *HUMAN RESOURCE CAPITAL PLANNING.—The*
 15 *Commandant shall develop staffing predictions, define*
 16 *human capital performance initiatives, and identify pre-*
 17 *liminary training needs required to implement each Level*
 18 *1 and Level 2 acquisition project and program.*

19 **“§ 572. Acquisition**

20 “(a) *IN GENERAL.—The Commandant may not estab-*
 21 *lish a Level 1 or Level 2 acquisition project or program*
 22 *until the Commandant—*

23 “(1) *clearly defines the operational requirements*
 24 *for the project or program;*

25 “(2) *establishes the feasibility of alternatives;*

1 “(3) *develops an acquisition project or program*
2 *baseline;*

3 “(4) *produces a life-cycle cost estimate; and*

4 “(5) *assesses the relative merits of alternatives to*
5 *determine a preferred solution in accordance with the*
6 *requirements of this section.*

7 “(b) *SUBMISSION REQUIRED BEFORE PROCEEDING.—*
8 *Any Coast Guard Level 1 or Level 2 acquisition project or*
9 *program may not begin to obtain any capability or asset*
10 *or proceed beyond that phase of its development that entails*
11 *approving the supporting acquisition until the Com-*
12 *mandant submits to the appropriate congressional commit-*
13 *tees the following:*

14 “(1) *The key performance parameters, the key*
15 *system attributes, and the operational performance*
16 *attributes of the capability or asset to be acquired*
17 *under the proposed acquisition project or program.*

18 “(2) *A detailed list of the systems or other capa-*
19 *bilities with which the capability or asset to be ac-*
20 *quired is intended to be interoperable, including an*
21 *explanation of the attributes of interoperability.*

22 “(3) *The anticipated acquisition project or pro-*
23 *gram baseline and acquisition unit cost for the capa-*
24 *bility or asset to be acquired under the project or pro-*
25 *gram.*

1 “(4) *A detailed schedule for the acquisition proc-*
2 *ess showing when all capability and asset acquisitions*
3 *are to be completed and when all acquired capabili-*
4 *ties and assets are to be initially and fully deployed.*

5 “(c) *ANALYSIS OF ALTERNATIVES.*—

6 “(1) *IN GENERAL.*—*The Coast Guard may not*
7 *acquire an experimental or technically immature ca-*
8 *pability or asset or implement a Level 1 or Level 2*
9 *acquisition project or program, unless it has prepared*
10 *an analysis of alternatives for the capability or asset*
11 *to be acquired in the concept and technology develop-*
12 *ment phase of the acquisition process for the capa-*
13 *bility or asset.*

14 “(2) *REQUIREMENTS.*—*The analysis of alter-*
15 *natives shall be prepared by a federally funded re-*
16 *search and development center, a qualified entity of*
17 *the Department of Defense, or a similar independent*
18 *third-party entity that has appropriate acquisition*
19 *expertise and has no financial interest in any part of*
20 *the acquisition project or program that is the subject*
21 *of the analysis. At a minimum, the analysis of alter-*
22 *natives shall include—*

23 “(A) *an assessment of the technical matu-*
24 *rity of the capability or asset, and technical and*
25 *other risks;*

1 “(B) an examination of capability, inter-
2 operability, and other advantages and disadvan-
3 tages;

4 “(C) an evaluation of whether different
5 combinations or quantities of specific assets or
6 capabilities could meet the Coast Guard’s overall
7 performance needs;

8 “(D) a discussion of key assumptions and
9 variables, and sensitivity to change in such as-
10 sumptions and variables;

11 “(E) when an alternative is an existing ca-
12 pability, asset, or prototype, an evaluation of
13 relevant safety and performance records and
14 costs;

15 “(F) a calculation of life-cycle costs includ-
16 ing—

17 “(i) an examination of likely research
18 and development costs and the levels of un-
19 certainty associated with such estimated
20 costs;

21 “(ii) an examination of likely produc-
22 tion and deployment costs and the levels of
23 uncertainty associated with such estimated
24 costs;

1 “(iii) an examination of likely oper-
2 ating and support costs and the levels of
3 uncertainty associated with such estimated
4 costs;

5 “(iv) if they are likely to be signifi-
6 cant, an examination of likely disposal costs
7 and the levels of uncertainty associated with
8 such estimated costs; and

9 “(v) such additional measures as the
10 Commandant or the Secretary of the de-
11 partment in which the Coast Guard is oper-
12 ating determines to be necessary for appro-
13 priate evaluation of the capability or asset;
14 and

15 “(G) the business case for each viable alter-
16 native.

17 “(d) *TEST AND EVALUATION MASTER PLAN.*—

18 “(1) *IN GENERAL.*—For any Level 1 or Level 2
19 acquisition project or program the Chief Acquisition
20 Officer must approve a test and evaluation master
21 plan specific to the acquisition project or program for
22 the capability, asset, or subsystems of the capability
23 or asset and intended to minimize technical, cost, and
24 schedule risk as early as practicable in the develop-
25 ment of the project or program.

1 “(2) *TEST AND EVALUATION STRATEGY.*—*The*
2 *master plan shall—*

3 “(A) *set forth an integrated test and evalua-*
4 *tion strategy that will verify that capability-level*
5 *or asset-level and subsystem-level design and de-*
6 *velopment, including performance and*
7 *supportability, have been sufficiently proven be-*
8 *fore the capability, asset, or subsystem of the ca-*
9 *pability or asset is approved for production; and*

10 “(B) *require that adequate developmental*
11 *tests and evaluations and operational tests and*
12 *evaluations established under subparagraph (A)*
13 *are performed to inform production decisions.*

14 “(3) *OTHER COMPONENTS OF THE MASTER*
15 *PLAN.*—*At a minimum, the master plan shall iden-*
16 *tify—*

17 “(A) *the key performance parameters to be*
18 *resolved through the integrated test and evalua-*
19 *tion strategy;*

20 “(B) *critical operational issues to be as-*
21 *essed in addition to the key performance pa-*
22 *rameters;*

23 “(C) *specific development test and evalua-*
24 *tion phases and the scope of each phase;*

1 “(D) modeling and simulation activities to
2 be performed, if any, and the scope of such ac-
3 tivities;

4 “(E) early operational assessments to be
5 performed, if any, and the scope of such assess-
6 ments;

7 “(F) operational test and evaluation phases;

8 “(G) an estimate of the resources, including
9 funds, that will be required for all test, evalua-
10 tion, assessment, modeling, and simulation ac-
11 tivities; and

12 “(H) the Government entity or independent
13 entity that will perform the test, evaluation, as-
14 sessment, modeling, and simulation activities.

15 “(4) UPDATE.—The Chief Acquisition Officer
16 must approve an updated master plan whenever there
17 is a revision to project or program test and evalua-
18 tion strategy, scope, or phasing.

19 “(5) LIMITATION.—The Coast Guard may not—

20 “(A) proceed beyond that phase of the ac-
21 quisition process that entails approving the sup-
22 porting acquisition of a capability or asset before
23 the master plan is approved by the Chief Acqui-
24 sition Officer; or

1 “(B) award any production contract for a
 2 capability, asset, or subsystem for which a mas-
 3 ter plan is required under this subsection before
 4 the master plan is approved by the Chief Acqui-
 5 sition Officer.

6 “(e) *LIFE-CYCLE COST ESTIMATES.*—

7 “(1) *IN GENERAL.*—The Commandant shall im-
 8 plement mechanisms to ensure the development and
 9 regular updating of life-cycle cost estimates for each
 10 acquisition with a total acquisition cost that equals
 11 or exceeds \$10,000,000 and an expected service life of
 12 10 or more years, and to ensure that these estimates
 13 are considered in decisions to develop or produce new
 14 or enhanced capabilities and assets.

15 “(2) *TYPES OF ESTIMATES.*—In addition to life-
 16 cycle cost estimates that may be developed by acquisi-
 17 tion program offices, the Commandant shall require
 18 that an independent life-cycle cost estimate be devel-
 19 oped for each Level 1 or Level 2 acquisition project
 20 or program.

21 “(3) *REQUIRED UPDATES.*—For each Level 1 or
 22 Level 2 acquisition project or program the Com-
 23 mandant shall require that life-cycle cost estimates
 24 shall be updated before each milestone decision is con-

1 cluded and the project or program enters a new ac-
2 quisition phase.

3 **“§ 573. Preliminary development and demonstration**

4 “(a) *IN GENERAL.*—The Commandant shall ensure
5 that developmental test and evaluation, operational test and
6 evaluation, life-cycle cost estimates, and the development
7 and demonstration requirements applied by this chapter to
8 acquisition projects and programs are met to confirm that
9 the projects or programs meet the requirements identified
10 in the mission-analysis and affordability assessment pre-
11 pared under section 571(a)(2), the operational requirements
12 developed under section 572(a)(1) and the following devel-
13 opment and demonstration objectives:

14 “(1) *To demonstrate that the design, manufac-*
15 *turing, and production solution is based upon a sta-*
16 *ble, producible, and cost-effective product design.*

17 “(2) *To ensure that the product capabilities meet*
18 *contract specifications, acceptable operational per-*
19 *formance requirements, and system security require-*
20 *ments.*

21 “(3) *To ensure that the product design is mature*
22 *enough to commit to full production and deployment.*

23 “(b) *TESTS AND EVALUATIONS.*—

24 “(1) *IN GENERAL.*—The Commandant shall en-
25 sure that the Coast Guard conducts developmental

1 *tests and evaluations and operational tests and eval-*
2 *uations of a capability or asset and the subsystems of*
3 *the capability or asset in accordance with the master*
4 *plan prepared for the capability or asset under sec-*
5 *tion 572(d)(1).*

6 “(2) *USE OF THIRD PARTIES.—The Com-*
7 *mandant shall ensure that the Coast Guard uses inde-*
8 *pendent third parties with expertise in testing and*
9 *evaluating the capabilities or assets and the sub-*
10 *systems of the capabilities or assets being acquired to*
11 *conduct developmental tests and evaluations and*
12 *operational tests and evaluations whenever the Coast*
13 *Guard lacks the capability to conduct the tests and*
14 *evaluations required by a master plan.*

15 “(3) *COMMUNICATION OF SAFETY CONCERNS.—*
16 *The Commandant shall require that safety concerns*
17 *identified during developmental or operational tests*
18 *and evaluations or through independent or Govern-*
19 *ment-conducted design assessments of capabilities or*
20 *assets and subsystems of capabilities or assets to be*
21 *acquired by the Coast Guard shall be communicated*
22 *as soon as practicable, but not later than 30 days*
23 *after the completion of the test or assessment event or*
24 *activity that identified the safety concern, to the pro-*
25 *gram manager for the capability or asset and the sub-*

1 *systems concerned and to the Chief Acquisition Offi-*
2 *cer.*

3 “(4) *REPORTING OF SAFETY CONCERNS.—Any*
4 *safety concerns that have been reported to the Chief*
5 *Acquisition Officer for an acquisition program or*
6 *project shall be reported by the Commandant to the*
7 *appropriate congressional committees at least 90 days*
8 *before the award of any contract or issuance of any*
9 *delivery order or task order for low, initial, or full-*
10 *rate production of the capability or asset concerned if*
11 *they will remain uncorrected or unmitigated at the*
12 *time such a contract is awarded or delivery order or*
13 *task order is issued. The report shall include a jus-*
14 *tification for the approval of that level of production*
15 *of the capability or asset before the safety concerns are*
16 *corrected or mitigated. The report shall also include*
17 *an explanation of the actions that will be taken to*
18 *correct or mitigate the safety concerns, the date by*
19 *which those actions will be taken, and the adequacy*
20 *of current funding to correct or mitigate the safety*
21 *concerns.*

22 “(5) *ASSET ALREADY IN LOW, INITIAL, OR FULL-*
23 *RATE PRODUCTION.—If operational test and evalua-*
24 *tion of a capability or asset already in low, initial,*
25 *or full-rate production identifies a safety concern*

1 *with the capability or asset or any subsystems of the*
2 *capability or asset not previously identified during*
3 *developmental or operational test and evaluation, the*
4 *Commandant shall—*

5 “(A) *notify the program manager and the*
6 *Chief Acquisition Officer of the safety concern as*
7 *soon as practicable, but not later than 30 days*
8 *after the completion of the test and evaluation*
9 *event or activity that identified the safety con-*
10 *cern; and*

11 “(B) *notify the Chief Acquisition Officer*
12 *and include in such notification—*

13 “(i) *an explanation of the actions that*
14 *will be taken to correct or mitigate the safe-*
15 *ty concern in all capabilities or assets and*
16 *subsystems of the capabilities or assets yet*
17 *to be produced, and the date by which those*
18 *actions will be taken;*

19 “(ii) *an explanation of the actions that*
20 *will be taken to correct or mitigate the safe-*
21 *ty concern in previously produced capabili-*
22 *ties or assets and subsystems of the capabili-*
23 *ties or assets, and the date by which those*
24 *actions will be taken; and*

1 “(iii) *an assessment of the adequacy of*
2 *current funding to correct or mitigate the*
3 *safety concern in capabilities or assets and*
4 *subsystems of the capabilities or assets and*
5 *in previously produced capabilities or assets*
6 *and subsystems.*

7 “(c) *TECHNICAL CERTIFICATION.*—

8 “(1) *IN GENERAL.*—*The Commandant shall en-*
9 *sure that any Level 1 or Level 2 acquisition project*
10 *or program is certified by the technical authority of*
11 *the Coast Guard after review by an independent third*
12 *party with capabilities in the mission area, asset, or*
13 *particular asset component.*

14 “(2) *TEMPEST TESTING.*—*The Commandant*
15 *shall—*

16 “(A) *cause all electronics on all aircraft,*
17 *surface, and shore capabilities and assets that re-*
18 *quire TEMPEST certification and that are de-*
19 *livered after the date of enactment of the Coast*
20 *Guard Authorization Act of 2010 to be tested in*
21 *accordance with TEMPEST standards and com-*
22 *munications security (comsec) standards by an*
23 *independent third party that is authorized by*
24 *the Federal Government to perform such testing;*
25 *and*

1 “(B) *certify that the assets meet all applica-*
2 *ble TEMPEST requirements.*

3 “(3) *CUTTER CLASSIFICATION.—*

4 “(A) *IN GENERAL.—The Commandant shall*
5 *cause each cutter, other than a National Security*
6 *Cutter, acquired by the Coast Guard and deliv-*
7 *ered after the date of enactment of the Coast*
8 *Guard Authorization Act of 2010 to be classed by*
9 *the American Bureau of Shipping before final*
10 *acceptance.*

11 “(B) *REPORTS.—Not later than December*
12 *31, 2011, and biennially thereafter, the Com-*
13 *mandant shall provide a report to the Committee*
14 *on Transportation and Infrastructure of the*
15 *House of Representatives and the Committee on*
16 *Commerce, Science, and Transportation of the*
17 *Senate identifying which, if any, Coast Guard*
18 *cutters that have been issued a certificate of clas-*
19 *sification by the American Bureau of Shipping*
20 *have not been maintained in class and detailing*
21 *the reasons why they have not been maintained*
22 *in class.*

23 “(4) *OTHER VESSELS.—The Commandant shall*
24 *cause the design and construction of each National*
25 *Security Cutter, other than National Security Cutters*

1 1, 2, and 3, to be assessed by an independent third
 2 party with expertise in vessel design and construction
 3 certification.

4 “(5) *AIRCRAFT AIRWORTHINESS.*—The Com-
 5 mandant shall cause all aircraft and aircraft engines
 6 acquired by the Coast Guard and delivered after the
 7 date of enactment of the Coast Guard Authorization
 8 Act of 2010 to be assessed for airworthiness by an
 9 independent third party with expertise in aircraft
 10 and aircraft engine certification before final accept-
 11 ance.

12 **“§ 574. Acquisition, production, deployment, and sup-**
 13 **port**

14 “(a) *IN GENERAL.*—The Commandant shall—

15 “(1) ensure there is a stable and efficient produc-
 16 tion and support capability to develop an asset or ca-
 17 pability for the Coast Guard;

18 “(2) conduct follow-on testing to confirm and
 19 monitor performance and correct deficiencies; and

20 “(3) conduct acceptance tests and trials prior to
 21 the delivery of each asset or system to ensure the de-
 22 livered asset or system achieves full operational capa-
 23 bility.

24 “(b) *ELEMENTS.*—The Commandant shall—

25 “(1) execute production contracts;

1 “(2) ensure that delivered assets and capabilities
2 meet operational cost and schedules requirements es-
3 tablished in the acquisition program baseline;

4 “(3) validate manpower and training require-
5 ments to meet system needs to operate, maintain, sup-
6 port, and instruct the assets or capabilities; and

7 “(4) prepare an acquisition project or program
8 transition plan to enter into programmatic
9 sustainment, operations, and support.

10 **“§ 575. Acquisition program baseline breach**

11 “(a) *IN GENERAL.*—The Commandant shall submit a
12 report to the appropriate congressional committees and the
13 Committee on Homeland Security of the House of Rep-
14 resentatives as soon as possible, but not later than 30 days,
15 after the Chief Acquisition Officer of the Coast Guard be-
16 comes aware of the breach of an acquisition program base-
17 line for any Level 1 or Level 2 acquisition program, by—

18 “(1) a likely cost overrun greater than 15 per-
19 cent of the acquisition program baseline for that indi-
20 vidual capability or asset or a class of capabilities or
21 assets;

22 “(2) a likely delay of more than 180 days in the
23 delivery schedule for any individual capability or
24 asset or class of capabilities or assets; or

1 “(3) an anticipated failure for any individual
2 capability or asset or class of capabilities or assets to
3 satisfy any key performance threshold or parameter
4 under the acquisition program baseline.

5 “(b) *CONTENT.*—The report submitted under sub-
6 section (a) shall include—

7 “(1) a detailed description of the breach and an
8 explanation of its cause;

9 “(2) the projected impact to performance, cost,
10 and schedule;

11 “(3) an updated acquisition program baseline
12 and the complete history of changes to the original ac-
13 quisition program baseline;

14 “(4) the updated acquisition schedule and the
15 complete history of changes to the original schedule;

16 “(5) a full life-cycle cost analysis for the capa-
17 bility or asset or class of capabilities or assets;

18 “(6) a remediation plan identifying corrective
19 actions and any resulting issues or risks; and

20 “(7) a description of how progress in the remedi-
21 ation plan will be measured and monitored.

22 “(c) *SUBSTANTIAL VARIANCES IN COSTS OR SCHED-*
23 *ULE.*—If a likely cost overrun is greater than 20 percent
24 or a likely delay is greater than 12 months from the costs
25 and schedule described in the acquisition program baseline

1 *for any Level 1 or Level 2 acquisition project or program*
 2 *of the Coast Guard, the Commandant shall include in the*
 3 *report a written certification, with a supporting expla-*
 4 *nation, that—*

5 “(1) *the capability or asset or capability or asset*
 6 *class to be acquired under the project or program is*
 7 *essential to the accomplishment of Coast Guard mis-*
 8 *sions;*

9 “(2) *there are no alternatives to such capability*
 10 *or asset or capability or asset class that will provide*
 11 *equal or greater capability in both a more cost-effec-*
 12 *tive and timely manner;*

13 “(3) *the new acquisition schedule and estimates*
 14 *for total acquisition cost are reasonable; and*

15 “(4) *the management structure for the acquisi-*
 16 *tion program is adequate to manage and control per-*
 17 *formance, cost, and schedule.*

18 **“§ 576. Acquisition approval authority**

19 “*Nothing in this subchapter shall be construed as alter-*
 20 *ing or diminishing in any way the statutory authority and*
 21 *responsibility of the Secretary of the department in which*
 22 *the Coast Guard is operating, or the Secretary’s designee,*
 23 *to—*

24 “(1) *manage and administer department pro-*
 25 *curements, including procurements by department*

1 *components, as required by section 701 of the Home-*
 2 *land Security Act of 2002 (6 U.S.C. 341); or*

3 *“(2) manage department acquisition activities*
 4 *and act as the Acquisition Decision Authority with*
 5 *regard to the review or approval of a Coast Guard*
 6 *Level 1 or Level 2 acquisition project or program, as*
 7 *required by section 16 of the Office of Federal Pro-*
 8 *curement Policy Act (41 U.S.C. 414) and related im-*
 9 *plementing regulations and directives.*

10 **“SUBCHAPTER III—DEFINITIONS**

11 **“§ 581. Definitions**

12 *“In this chapter:*

13 *“(1) APPROPRIATE CONGRESSIONAL COMMIT-*
 14 *TEES.—The term ‘appropriate congressional commit-*
 15 *tees’ means the Committee on Transportation and In-*
 16 *frastructure of the House of Representatives and the*
 17 *Committee on Commerce, Science, and Transpor-*
 18 *tation of the Senate.*

19 *“(2) CHIEF ACQUISITION OFFICER.—The term*
 20 *‘Chief Acquisition Officer’ means the officer appointed*
 21 *under section 56 of this title.*

22 *“(3) COMMANDANT.—The term ‘Commandant’*
 23 *means the Commandant of the Coast Guard.*

24 *“(4) LEVEL 1 ACQUISITION.—The term ‘Level 1*
 25 *acquisition’ means—*

1 “(A) *an acquisition by the Coast Guard—*

2 *“(i) the estimated life-cycle costs of*
 3 *which exceed \$1,000,000,000; or*

4 *“(ii) the estimated total acquisition*
 5 *costs of which exceed \$300,000,000; or*

6 “(B) *any acquisition that the Chief Acquisi-*
 7 *tion Officer of the Coast Guard determines to*
 8 *have a special interest—*

9 *“(i) due to—*

10 *“(I) the experimental or tech-*
 11 *nically immature nature of the asset;*

12 *“(II) the technological complexity*
 13 *of the asset;*

14 *“(III) the commitment of re-*
 15 *sources; or*

16 *“(IV) the nature of the capability*
 17 *or set of capabilities to be achieved; or*

18 *“(ii) because such acquisition is a joint*
 19 *acquisition.*

20 “(5) *LEVEL 2 ACQUISITION.—The term ‘Level 2*
 21 *acquisition’ means an acquisition by the Coast*
 22 *Guard—*

23 *“(A) the estimated life-cycle costs of which*
 24 *are equal to or less than \$1,000,000,000, but*
 25 *greater than \$300,000,000; or*

1 “(B) the estimated total acquisition costs of
2 which are equal to or less than \$300,000,000,
3 but greater than \$100,000,000.

4 “(6) *LIFE-CYCLE COST*.—The term ‘life-cycle
5 cost’ means all costs for development, procurement,
6 construction, and operations and support for a par-
7 ticular capability or asset, without regard to funding
8 source or management control.

9 “(7) *PROJECT OR PROGRAM MANAGER DE-*
10 *FINED*.—The term ‘project or program manager’
11 means an individual designated—

12 “(A) to develop, produce, and deploy a new
13 asset to meet identified operational requirements;
14 and

15 “(B) to manage cost, schedule, and perform-
16 ance of the acquisition, project, or program.

17 “(8) *SAFETY CONCERN*.—The term ‘safety con-
18 cern’ means any hazard associated with a capability
19 or asset or a subsystem of a capability or asset that
20 is likely to cause serious bodily injury or death to a
21 typical Coast Guard user in testing, maintaining, re-
22 pairing, or operating the capability, asset, or sub-
23 system or any hazard associated with the capability,
24 asset, or subsystem that is likely to cause major dam-
25 age to the capability, asset, or subsystem during the

1 *course of its normal operation by a typical Coast*
2 *Guard user.*

3 “(9) *DEVELOPMENTAL TEST AND EVALUATION.*—
4 *The term ‘developmental test and evaluation’*
5 *means—*

6 “(A) *the testing of a capability or asset and*
7 *the subsystems of the capability or asset to deter-*
8 *mine whether they meet all contractual perform-*
9 *ance requirements, including technical perform-*
10 *ance requirements, supportability requirements,*
11 *and interoperability requirements and related*
12 *specifications; and*

13 “(B) *the evaluation of the results of such*
14 *testing.*

15 “(10) *OPERATIONAL TEST AND EVALUATION.*—
16 *The term ‘operational test and evaluation’ means—*

17 “(A) *the testing of a capability or asset and*
18 *the subsystems of the capability or asset, under*
19 *conditions similar to those in which the capa-*
20 *bility or asset and subsystems will actually be*
21 *deployed, for the purpose of determining the ef-*
22 *fectiveness and suitability of the capability or*
23 *asset and subsystems for use by typical Coast*
24 *Guard users to conduct those missions for which*

1 *the capability or asset and subsystems are in-*
 2 *tended to be used; and*

3 “(B) *the evaluation of the results of such*
 4 *testing.*”.

5 (b) *CONFORMING AMENDMENT.—The part analysis for*
 6 *part I of title 14, United States Code, is amended by insert-*
 7 *ing after the item relating to chapter 13 the following:*

 “15. *Acquisitions* 561”.

8 **SEC. 403. NATIONAL SECURITY CUTTERS.**

9 (a) *NATIONAL SECURITY CUTTERS 1 AND 2.—Not later*
 10 *than 90 days before the Coast Guard awards any contract*
 11 *or issues any delivery order or task order to strengthen the*
 12 *hull of either of National Security Cutter 1 or 2 to resolve*
 13 *the structural design and performance issues identified in*
 14 *the Department of Homeland Security Inspector General’s*
 15 *Report OIG–07–23 dated January 2007, the Commandant*
 16 *shall submit to the appropriate congressional committees all*
 17 *results of an assessment of the proposed hull strengthening*
 18 *design conducted by the Coast Guard, including—*

19 (1) *a description in detail of the extent to which*
 20 *the hull strengthening measures to be implemented on*
 21 *those cutters will enable the cutters to meet contract*
 22 *and performance requirements;*

23 (2) *a cost-benefit analysis of the proposed hull*
 24 *strengthening measures for National Security Cutters*
 25 *1 and 2; and*

1 (3) *a description of any operational restrictions*
 2 *that would have to be applied to either National Se-*
 3 *curity Cutter 1 or 2 if the proposed hull strengthening*
 4 *measures were not implemented on either cutter.*

5 (b) *APPROPRIATE CONGRESSIONAL COMMITTEES.—In*
 6 *this section the term “appropriate congressional commit-*
 7 *tees” means the Committees on Transportation and Infra-*
 8 *structure and Homeland Security of the House of Rep-*
 9 *resentatives and the Committee on Commerce, Science, and*
 10 *Transportation of the Senate.*

11 **SEC. 404. ACQUISITION WORKFORCE EXPEDITED HIRING**
 12 **AUTHORITY.**

13 (a) *IN GENERAL.—For purposes of sections 3304,*
 14 *5333, and 5753 of title 5, United States Code, the Com-*
 15 *mandant of the Coast Guard may—*

16 (1) *designate any category of acquisition posi-*
 17 *tions within the Coast Guard as shortage category po-*
 18 *sitions; and*

19 (2) *use the authorities in such sections to recruit*
 20 *and appoint highly qualified persons directly to posi-*
 21 *tions so designated.*

22 (b) *LIMITATION.—The Commandant may not appoint*
 23 *a person to a position of employment under this paragraph*
 24 *after September 30, 2012.*

1 (c) *REPORTS.*—*The Commandant shall include in re-*
 2 *ports under section 562(d) of title 14, United States Code,*
 3 *as added by this title, information described in that section*
 4 *regarding positions designated under this section.*

5 ***TITLE V—COAST GUARD***
 6 ***MODERNIZATION***

7 ***SEC. 501. SHORT TITLE.***

8 *This title may be cited as the “Coast Guard Mod-*
 9 *ernization Act of 2010”.*

10 ***Subtitle A—Coast Guard***
 11 ***Leadership***

12 ***SEC. 511. VICE ADMIRALS.***

13 (a) *VICE ADMIRALS.*—*Section 50 of such title is*
 14 *amended to read as follows:*

15 ***“§ 50. Vice admirals***

16 “(a)(1) *The President may designate no more than 4*
 17 *positions of importance and responsibility that shall be held*
 18 *by officers who—*

19 “(A) *while so serving, shall have the grade*
 20 *of vice admiral, with the pay and allowances of*
 21 *that grade; and*

22 “(B) *shall perform such duties as the Com-*
 23 *mandant may prescribe.*

24 “(2) *The President may appoint, by and with the ad-*
 25 *vice and consent of the Senate, and reappoint, by and with*

1 *the advice and consent of the Senate, to any such position*
2 *an officer of the Coast Guard who is serving on active duty*
3 *above the grade of captain. The Commandant shall make*
4 *recommendations for such appointments.*

5 “(3) (A) *Except as provided in subparagraph (B), one*
6 *of the vice admirals designated under paragraph (1) must*
7 *have at least 10 years experience in vessel inspection, ma-*
8 *rine casualty investigations, mariner licensing, or an*
9 *equivalent technical expertise in the design and construc-*
10 *tion of commercial vessels, with at least 4 years of leader-*
11 *ship experience at a staff or unit carrying out marine safety*
12 *functions and shall serve as the principal advisor to the*
13 *Commandant on these issues.*

14 “(B) *The requirements of subparagraph (A) do not*
15 *apply to such vice admiral if the subordinate officer serving*
16 *in the grade of rear admiral with responsibilities for ma-*
17 *rine safety, security, and stewardship possesses that experi-*
18 *ence.*

19 “(b)(1) *The appointment and the grade of vice admiral*
20 *shall be effective on the date the officer assumes that duty*
21 *and, except as provided in paragraph (2) of this subsection*
22 *or in section 51(d) of this title, shall terminate on the date*
23 *the officer is detached from that duty.*

1 “(2) *An officer who is appointed to a position des-*
2 *ignated under subsection (a) shall continue to hold the*
3 *grade of vice admiral—*

4 “(A) *while under orders transferring the officer*
5 *to another position designated under subsection (a),*
6 *beginning on the date the officer is detached from that*
7 *duty and terminating on the date before the day the*
8 *officer assumes the subsequent duty, but not for more*
9 *than 60 days;*

10 “(B) *while hospitalized, beginning on the day of*
11 *the hospitalization and ending on the day the officer*
12 *is discharged from the hospital, but not for more than*
13 *180 days; and*

14 “(C) *while awaiting retirement, beginning on the*
15 *date the officer is detached from duty and ending on*
16 *the day before the officer’s retirement, but not for*
17 *more than 60 days.*

18 “(c)(1) *An appointment of an officer under subsection*
19 *(a) does not vacate the permanent grade held by the officer.*

20 “(2) *An officer serving in a grade above rear admiral*
21 *who holds the permanent grade of rear admiral (lower half)*
22 *shall be considered for promotion to the permanent grade*
23 *of rear admiral as if the officer was serving in the officer’s*
24 *permanent grade.*

1 “(d) Whenever a vacancy occurs in a position des-
 2 ignated under subsection (a), the Commandant shall inform
 3 the President of the qualifications needed by an officer serv-
 4 ing in that position or office to carry out effectively the
 5 duties and responsibilities of that position or office.”.

6 (b) *REPEAL*.—Section 50a of such title is repealed.

7 (c) *CONFORMING AMENDMENTS*.—Section 51 of such
 8 title is amended—

9 (1) by striking subsections (a), (b), and (c) and
 10 inserting the following:

11 “(a) An officer, other than the Commandant, who,
 12 while serving in the grade of vice admiral, is retired for
 13 physical disability shall be placed on the retired list with
 14 the highest grade in which that officer served.

15 “(b) An officer, other than the Commandant, who is
 16 retired while serving in the grade of vice admiral, or who,
 17 after serving at least 2½ years in the grade of vice admiral,
 18 is retired while serving in a lower grade, may in the discre-
 19 tion of the President, be retired with the highest grade in
 20 which that officer served.

21 “(c) An officer, other than the Commandant, who, after
 22 serving less than 2½ years in the grade of vice admiral,
 23 is retired while serving in a lower grade, shall be retired
 24 in his permanent grade.”; and

1 (2) *by striking “Area Commander, or Chief of*
 2 *Staff” in subsection (d)(2) and inserting “or Vice Ad-*
 3 *miral”.*

4 (d) *CONTINUITY OF GRADE.—Section 52 of title 14,*
 5 *United States Code, is amended by inserting “or admiral”*
 6 *after “vice admiral” the first place it appears.*

7 (e) *CONTINUATION ON ACTIVE DUTY.—The second sen-*
 8 *tence of section 290(a) of title 14, United States Code, is*
 9 *amended to read as follows: “Officers, other than the Com-*
 10 *mandant, serving for the time being or who have served in*
 11 *the grade of vice admiral are not subject to consideration*
 12 *for continuation under this subsection, and as to all other*
 13 *provisions of this section shall be considered as having been*
 14 *continued at the grade of rear admiral.”.*

15 (f) *CLERICAL AMENDMENTS.—*

16 (1) *The section caption for section 47 of such*
 17 *title is amended to read as follows:*

18 **“§47. Vice commandant; appointment”.**

19 (2) *The section caption for section 52 of title 14,*
 20 *United States Code, is amended to read as follows:*

21 **“§52. Vice admirals and admiral, continuity of**
 22 **grade”.**

23 (3) *The table of contents for chapter 3 of such*
 24 *title is amended—*

1 (A) by striking the item relating to section
2 47 and inserting the following:

“47. Vice Commandant; appointment.”;

3 (B) by striking the item relating to section
4 50a;

5 (C) by striking the item relating to section
6 50 and inserting the following:

“50. Vice admirals.”; and

7 (D) by striking the item relating to section
8 52 and inserting the following:

“52. Vice admirals and admiral, continuity of grade.”.

9 (g) *TECHNICAL CORRECTION*.—Section 47 of such title
10 is further amended by striking “subsection” in the fifth sen-
11 tence and inserting “section”.

12 (h) *TREATMENT OF INCUMBENTS; TRANSITION*.—

13 (1) Notwithstanding any other provision of law,
14 an officer who, on the date of enactment of this Act,
15 is serving as Chief of Staff, Commander, Atlantic
16 Area, or Commander, Pacific Area—

17 (A) shall continue to have the grade of vice
18 admiral with pay and allowance of that grade
19 until such time that the officer is relieved of his
20 duties and appointed and confirmed to another
21 position as a vice admiral or admiral; or

22 (B) for the purposes of transition, may con-
23 tinue at the grade of vice admiral with pay and

1 allowance of that grade, for not more than 1
 2 year after the date of enactment of this Act, to
 3 perform the duties of the officer's former position
 4 and any other such duties that the Commandant
 5 prescribes.

6 ***Subtitle B—Workforce Expertise***

7 ***SEC. 521. PREVENTION AND RESPONSE STAFF.***

8 (a) *IN GENERAL.*—Chapter 3 of title 14, United States
 9 Code, is amended by adding at the end the following new
 10 sections:

11 ***“§ 57. Prevention and response workforces***

12 “(a) *CAREER PATHS.*—The Secretary, acting through
 13 the Commandant, shall ensure that appropriate career
 14 paths for civilian and military Coast Guard personnel who
 15 wish to pursue career paths in prevention or response posi-
 16 tions are identified in terms of the education, training, ex-
 17 perience, and assignments necessary for career progression
 18 of civilians and members of the Armed Forces to the most
 19 senior prevention or response positions, as appropriate. The
 20 Secretary shall make available published information on
 21 such career paths.

22 “(b) *QUALIFICATIONS FOR CERTAIN ASSIGNMENTS.*—
 23 An officer, member, or civilian employee of the Coast Guard
 24 assigned as a—

1 “(1) *marine inspector shall have the training,*
2 *experience, and qualifications equivalent to that re-*
3 *quired for a similar position at a classification soci-*
4 *ety recognized by the Secretary under section 3316 of*
5 *title 46 for the type of vessel, system, or equipment*
6 *that is inspected;*

7 “(2) *marine casualty investigator shall have the*
8 *training, experience, and qualifications in investiga-*
9 *tion, marine casualty reconstruction, evidence collec-*
10 *tion and preservation, human factors, and docu-*
11 *mentation using best investigation practices by Fed-*
12 *eral and non-Federal entities; or*

13 “(3) *marine safety engineer shall have knowl-*
14 *edge, skill, and practical experience in—*

15 “(A) *the construction and operation of com-*
16 *mercial vessels;*

17 “(B) *judging the character, strength, sta-*
18 *bility, and safety qualities of such vessels and*
19 *their equipment; or*

20 “(C) *the qualifications and training of ves-*
21 *sel personnel.*

22 “(c) *APPRENTICESHIP REQUIREMENT TO QUALIFY*
23 *FOR CERTAIN CAREERS.—The Commandant may require*
24 *an officer, member, or employee of the Coast Guard in*
25 *training for a specialized prevention or response career*

1 *path to serve an apprenticeship under the guidance of a*
 2 *qualified individual. However, an individual in training*
 3 *to become a marine inspector, marine casualty investigator,*
 4 *or marine safety engineer shall serve a minimum of one-*
 5 *year as an apprentice unless the Commandant authorizes*
 6 *a shorter period for certain qualifications.*

7 “(d) *MANAGEMENT INFORMATION SYSTEM.—The Sec-*
 8 *retary, acting through the Commandant, shall establish a*
 9 *management information system for the prevention and re-*
 10 *sponse workforces that shall provide, at a minimum, the*
 11 *following standardized information on persons serving in*
 12 *those workforces:*

13 “(1) *Qualifications, assignment history, and ten-*
 14 *ure in assignments.*

15 “(2) *Promotion rates for military and civilian*
 16 *personnel.*

17 “(e) *ASSESSMENT OF ADEQUACY OF MARINE SAFETY*
 18 *WORKFORCE.—*

19 “(1) *REPORT.—The Secretary, acting through*
 20 *the Commandant, shall report to the Committee on*
 21 *Transportation and Infrastructure of the House of*
 22 *Representatives and the Committee on Commerce,*
 23 *Science, and Transportation of the Senate by Decem-*
 24 *ber 1 of each year on the adequacy of the current ma-*

1 *rine safety workforce to meet that anticipated work-*
 2 *load.*

3 “(2) *CONTENTS.—The report shall specify the*
 4 *number of civilian and military Coast Guard per-*
 5 *sonnel currently assigned to marine safety positions*
 6 *and shall identify positions that are understaffed to*
 7 *meet the anticipated marine safety workload.*

8 “(f) *SECTOR CHIEF OF PREVENTION.—There shall be*
 9 *in each Coast Guard sector a Chief of Prevention who shall*
 10 *be at least a Lieutenant Commander or civilian employee*
 11 *within the grade GS–13 of the General Schedule, and who*
 12 *shall be a—*

13 “(1) *marine inspector, qualified to inspect ves-*
 14 *sels, vessel systems, and equipment commonly found*
 15 *in the sector; and*

16 “(2) *qualified marine casualty investigator or*
 17 *marine safety engineer.*

18 “(g) *SIGNATORIES OF LETTER OF QUALIFICATION FOR*
 19 *CERTAIN PREVENTION PERSONNEL.—Each individual*
 20 *signing a letter of qualification for marine safety personnel*
 21 *must hold a letter of qualification for the type being cer-*
 22 *tified.*

23 “(h) *SECTOR CHIEF OF RESPONSE.—There shall be in*
 24 *each Coast Guard sector a Chief of Response who shall be*
 25 *at least a Lieutenant Commander or civilian employee*

1 *within the grade GS-13 of the General Schedule in each*
2 *Coast Guard sector.*

3 **“§ 58. Centers of expertise for Coast Guard prevention**
4 **and response**

5 “(a) *ESTABLISHMENT.*—*The Commandant of the*
6 *Coast Guard may establish and operate one or more centers*
7 *of expertise for prevention and response missions of the*
8 *Coast Guard (in this section referred to as a ‘center’).*

9 “(b) *MISSIONS.*—*Each center shall—*

10 “(1) *promote and facilitate education, training,*
11 *and research;*

12 “(2) *develop a repository of information on its*
13 *missions and specialties; and*

14 “(3) *perform any other missions as the Com-*
15 *mandant may specify.*

16 “(c) *JOINT OPERATION WITH EDUCATIONAL INSTITU-*
17 *TION AUTHORIZED.*—*The Commandant may enter into an*
18 *agreement with an appropriate official of an institution of*
19 *higher education to—*

20 “(1) *provide for joint operation of a center; and*

21 “(2) *provide necessary administrative services*
22 *for a center, including administration and allocation*
23 *of funds.*

24 “(d) *ACCEPTANCE OF DONATIONS.*—

1 “(1) *Except as provided in paragraph (2), the*
2 *Commandant may accept, on behalf of a center, dona-*
3 *tions to be used to defray the costs of the center or to*
4 *enhance the operation of the center. Those donations*
5 *may be accepted from any State or local government,*
6 *any foreign government, any foundation or other*
7 *charitable organization (including any that is orga-*
8 *nized or operates under the laws of a foreign coun-*
9 *try), or any individual.*

10 “(2) *The Commandant may not accept a dona-*
11 *tion under paragraph (1) if the acceptance of the do-*
12 *nation would compromise or appear to compromise—*

13 “(A) *the ability of the Coast Guard or the*
14 *department in which the Coast Guard is oper-*
15 *ating, any employee of the Coast Guard or the*
16 *department, or any member of the Armed Forces*
17 *to carry out any responsibility or duty in a fair*
18 *and objective manner; or*

19 “(B) *the integrity of any program of the*
20 *Coast Guard, the department in which the Coast*
21 *Guard is operating, or of any person involved in*
22 *such a program.*

23 “(3) *The Commandant shall prescribe written*
24 *guidance setting forth the criteria to be used in deter-*
25 *mining whether or not the acceptance of a donation*

1 *from a foreign source would have a result described*
2 *in paragraph (2).*

3 **“§ 59. Marine industry training program**

4 “(a) *IN GENERAL.*—*The Commandant shall, by policy,*
5 *establish a program under which an officer, member, or em-*
6 *ployee of the Coast Guard may be assigned to a private*
7 *entity to further the institutional interests of the Coast*
8 *Guard with regard to marine safety, including for the pur-*
9 *pose of providing training to an officer, member, or em-*
10 *ployee. Policies to carry out the program—*

11 “(1) *with regard to an employee of the Coast*
12 *Guard, shall include provisions, consistent with sec-*
13 *tions 3702 through 3704 of title 5, as to matters con-*
14 *cerning—*

15 “(A) *the duration and termination of as-*
16 *signments;*

17 “(B) *reimbursements; and*

18 “(C) *status, entitlements, benefits, and obli-*
19 *gations of program participants; and*

20 “(2) *shall require the Commandant, before ap-*
21 *proving the assignment of an officer, member, or em-*
22 *ployee of the Coast Guard to a private entity, to de-*
23 *termine that the assignment is an effective use of the*
24 *Coast Guard’s funds, taking into account the best in-*
25 *terests of the Coast Guard and the costs and benefits*

1 *of alternative methods of achieving the same results*
 2 *and objectives.*

3 “(b) *ANNUAL REPORT.*—Not later than the date of the
 4 *submission each year of the President’s budget request under*
 5 *section 1105 of title 31, the Commandant shall submit to*
 6 *the Committee on Transportation and Infrastructure of the*
 7 *House of Representatives and the Committee on Commerce,*
 8 *Science, and Transportation of the Senate a report that de-*
 9 *scribes—*

10 “(1) *the number of officers, members, and em-*
 11 *ployees of the Coast Guard assigned to private entities*
 12 *under this section; and*

13 “(2) *the specific benefit that accrues to the Coast*
 14 *Guard for each assignment.”.*

15 “(b) *CLERICAL AMENDMENT.*—The table of sections at
 16 *the beginning of such chapter is further amended by adding*
 17 *at the end the following new items:*

 “57. *Prevention and response workforces.*

 “58. *Centers of expertise for Coast Guard prevention and response.*

 “59. *Marine industry training programs.”.*

18 **SEC. 522. MARINE SAFETY MISSION PRIORITIES AND LONG-**
 19 **TERM GOALS.**

20 “(a) *IN GENERAL.*—Chapter 21 of title 46, United
 21 *States Code, is amended by adding at the end the following*
 22 *new section:*

1 **“§2116. Marine safety strategy, goals, and perform-**
 2 **ance assessments**

3 “(a) *LONG-TERM STRATEGY AND GOALS.*—*In conjunc-*
 4 *tion with existing federally required strategic planning ef-*
 5 *forts, the Secretary shall develop a long-term strategy for*
 6 *improving vessel safety and the safety of individuals on ves-*
 7 *sels. The strategy shall include the issuance each year of*
 8 *an annual plan and schedule for achieving the following*
 9 *goals:*

10 “(1) *Reducing the number and rates of marine*
 11 *casualties.*

12 “(2) *Improving the consistency and effectiveness*
 13 *of vessel and operator enforcement and compliance*
 14 *programs.*

15 “(3) *Identifying and targeting enforcement ef-*
 16 *forts at high-risk vessels and operators.*

17 “(4) *Improving research efforts to enhance and*
 18 *promote vessel and operator safety and performance.*

19 “(b) *CONTENTS OF STRATEGY AND ANNUAL PLANS.*—

20 “(1) *MEASURABLE GOALS.*—*The strategy and*
 21 *annual plans shall include specific numeric or meas-*
 22 *urable goals designed to achieve the goals set forth in*
 23 *subsection (a). The purposes of the numeric or meas-*
 24 *urable goals are the following:*

25 “(A) *To increase the number of safety ex-*
 26 *aminations on all high-risk vessels.*

1 “(B) To eliminate the backlog of marine
2 safety-related rulemakings.

3 “(C) To improve the quality and effective-
4 ness of marine safety information databases by
5 ensuring that all Coast Guard personnel accu-
6 rately and effectively report all safety, casualty,
7 and injury information.

8 “(D) To provide for a sufficient number of
9 Coast Guard marine safety personnel, and pro-
10 vide adequate facilities and equipment to carry
11 out the functions referred to in section 93(c).

12 “(2) *RESOURCE NEEDS.*—The strategy and an-
13 nual plans shall include estimates of—

14 “(A) the funds and staff resources needed to
15 accomplish each activity included in the strategy
16 and plans; and

17 “(B) the staff skills and training needed for
18 timely and effective accomplishment of each goal.

19 “(c) *SUBMISSION WITH THE PRESIDENT’S BUDGET.*—
20 Beginning with fiscal year 2011 and each fiscal year there-
21 after, the Secretary shall submit to Congress the strategy
22 and annual plan not later than 60 days following the trans-
23 mission of the President’s budget submission under section
24 1105 of title 31.

25 “(d) *ACHIEVEMENT OF GOALS.*—

1 “(1) *PROGRESS ASSESSMENT.*—No less fre-
 2 quently than semiannually, the Coast Guard Com-
 3 mandant shall assess the progress of the Coast Guard
 4 toward achieving the goals set forth in subsection (b).
 5 The Commandant shall convey the Commandant’s as-
 6 sessment to the employees of the marine safety work-
 7 force and shall identify any deficiencies that should
 8 be remedied before the next progress assessment.

9 “(2) *REPORT TO CONGRESS.*—The Secretary
 10 shall report annually to the Committee on Transpor-
 11 tation and Infrastructure of the House of Representa-
 12 tives and the Committee on Commerce, Science, and
 13 Transportation of the Senate—

14 “(A) on the performance of the marine safe-
 15 ty program in achieving the goals of the marine
 16 safety strategy and annual plan under sub-
 17 section (a) for the year covered by the report;

18 “(B) on the program’s mission performance
 19 in achieving numerical measurable goals estab-
 20 lished under subsection (b); and

21 “(C) recommendations on how to improve
 22 performance of the program.”.

23 (b) *CLERICAL AMENDMENT.*—The analysis for such
 24 chapter is amended by adding at the end the following new
 25 item:

“2116. Marine safety strategy, goals, and performance assessments.”.

1 (c) *CERTIFICATES OF INSPECTION*.—Section 3309 of
 2 *title 46, United States Code, is amended by adding at the*
 3 *end the following:*

4 “(d) *A certificate of inspection issued under this sec-*
 5 *tion shall be signed by the senior Coast Guard member or*
 6 *civilian employee who inspected the vessel, in addition to*
 7 *the officer in charge of marine inspection.”.*

8 **SEC. 523. POWERS AND DUTIES.**

9 Section 93 of title 14, United States Code, is amended
 10 *by adding at the end the following new subsections:*

11 “(c) *MARINE SAFETY RESPONSIBILITIES*.—*In exer-*
 12 *cising the Commandant’s duties and responsibilities with*
 13 *regard to marine safety, the individual with the highest*
 14 *rank who meets the experience qualifications set forth in*
 15 *section 50(a)(3) shall serve as the principal advisor to the*
 16 *Commandant regarding—*

17 “(1) *the operation, regulation, inspection, identi-*
 18 *fication, manning, and measurement of vessels, in-*
 19 *cluding plan approval and the application of load*
 20 *lines;*

21 “(2) *approval of materials, equipment, appli-*
 22 *ances, and associated equipment;*

23 “(3) *the reporting and investigation of marine*
 24 *casualties and accidents;*

1 “(4) *the licensing, certification, documentation,*
2 *protection and relief of merchant seamen;*

3 “(5) *suspension and revocation of licenses and*
4 *certificates;*

5 “(6) *enforcement of manning requirements, citi-*
6 *zenship requirements, control of log books;*

7 “(7) *documentation and numbering of vessels;*

8 “(8) *State boating safety programs;*

9 “(9) *commercial instruments and maritime*
10 *liens;*

11 “(10) *the administration of bridge safety;*

12 “(11) *administration of the navigation rules;*

13 “(12) *the prevention of pollution from vessels;*

14 “(13) *ports and waterways safety;*

15 “(14) *waterways management; including regula-*
16 *tion for regattas and marine parades;*

17 “(15) *aids to navigation; and*

18 “(16) *other duties and powers of the Secretary*
19 *related to marine safety and stewardship.*

20 “(d) *OTHER AUTHORITY NOT AFFECTED.—Nothing in*
21 *subsection (c) affects—*

22 “(1) *the authority of Coast Guard officers and*
23 *members to enforce marine safety regulations using*
24 *authority under section 89 of this title; or*

1 “(2) the exercise of authority under section 91 of
 2 this title and the provisions of law codified at sections
 3 191 through 195 of title 50 on the date of enactment
 4 of this paragraph.”.

5 **SEC. 524. APPEALS AND WAIVERS.**

6 (a) *IN GENERAL*.—Chapter 5 of title 14, United States
 7 Code, is further amended by inserting at the end the fol-
 8 lowing new section:

9 **“§ 102. Appeals and waivers**

10 “Except for the Commandant of the Coast Guard, any
 11 individual adjudicating an appeal or waiver of a decision
 12 regarding marine safety, including inspection or manning
 13 and threats to the environment, shall—

14 “(1) be a qualified specialist with the training,
 15 experience, and qualifications in marine safety to ef-
 16 fectively judge the facts and circumstances involved in
 17 the appeal and make a judgment regarding the merits
 18 of the appeal; or

19 “(2) have a senior staff member who—

20 “(A) meets the requirements of paragraph
 21 (1);

22 “(B) actively advises the individual adjudi-
 23 cating the appeal; and

24 “(C) concurs in writing on the decision on
 25 appeal.”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
 2 *chapter is further amended by adding at the end the fol-*
 3 *lowing new item:*

“102. *Appeals and waivers.*”.

4 **SEC. 525. COAST GUARD ACADEMY.**

5 (a) *IN GENERAL.*—*Chapter 9 of title 14, United States*
 6 *Code, is further amended by adding at the end the following*
 7 *new section:*

8 **“§ 200. Marine safety curriculum**

9 *“The Commandant of the Coast Guard shall ensure*
 10 *that professional courses of study in marine safety are pro-*
 11 *vided at the Coast Guard Academy, and during other officer*
 12 *accession programs, to give Coast Guard cadets and other*
 13 *officer candidates a background and understanding of the*
 14 *marine safety program. These courses may include such*
 15 *topics as program history, vessel design and construction,*
 16 *vessel inspection, casualty investigation, and administra-*
 17 *tive law and regulations.”.*

18 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
 19 *chapter is further amended by adding at the end the fol-*
 20 *lowing new item:*

“200. *Marine safety curriculum.*”.

21 **SEC. 526. REPORT REGARDING CIVILIAN MARINE INSPEC-**
 22 **TORS.**

23 *Not later than 1 year after the date of enactment of*
 24 *this Act, the Commandant of the Coast Guard shall submit*

1 *to the Committee on Transportation and Infrastructure of*
 2 *the House of Representatives and the Committee on Com-*
 3 *merce, Science, and Transportation of the Senate a report*
 4 *on Coast Guard’s efforts to recruit and retain civilian ma-*
 5 *rine inspectors and investigators and the impact of such*
 6 *recruitment and retention efforts on Coast Guard organiza-*
 7 *tional performance.*

8 ***TITLE VI—MARINE SAFETY***

9 ***SEC. 601. SHORT TITLE.***

10 *This title may be cited as the “Maritime Safety Act*
 11 *of 2010”.*

12 ***SEC. 602. VESSEL SIZE LIMITS.***

13 *(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section*
 14 *12113(d)(2) of title 46, United States Code, is amended—*

15 *(1) by inserting “and” after the semicolon at the*
 16 *end of subparagraph (A)(i);*

17 *(2) by striking “and” at the end of subpara-*
 18 *graph (A)(ii);*

19 *(3) by striking subparagraph (A)(iii);*

20 *(4) by striking the period at the end of subpara-*
 21 *graph (B) and inserting a semicolon; and*

22 *(5) by inserting at the end the following:*

23 *“(C) the vessel is either a rebuilt vessel or*
 24 *a replacement vessel under section 208(g) of the*
 25 *American Fisheries Act (title II of division C of*

1 *Public Law 105–277; 112 Stat. 2681–627) and*
 2 *is eligible for a fishery endorsement under this*
 3 *section; or*

4 *“(D) the vessel is a fish tender vessel that*
 5 *is not engaged in the harvesting or processing of*
 6 *fish.”.*

7 ***(b) CONFORMING AMENDMENTS.—***

8 ***(1) VESSEL REBUILDING AND REPLACEMENT.—***
 9 *Section 208(g) of the American Fisheries Act (title II*
 10 *of division C of Public Law 105–277; 112 Stat. 2681–*
 11 *627) is amended to read as follows:*

12 ***“(g) VESSEL REBUILDING AND REPLACEMENT.—***

13 ***“(1) IN GENERAL.—***

14 ***“(A) REBUILD OR REPLACE.—****Notwith-*
 15 *standing any limitation to the contrary on re-*
 16 *placing, rebuilding, or lengthening vessels or*
 17 *transferring permits or licenses to a replacement*
 18 *vessel contained in sections 679.2 and 679.4 of*
 19 *title 50, Code of Federal Regulations, as in effect*
 20 *on the date of enactment of the Coast Guard Au-*
 21 *thorization Act of 2010 and except as provided*
 22 *in paragraph (4), the owner of a vessel eligible*
 23 *under subsection (a), (b), (c), (d), or (e), in order*
 24 *to improve vessel safety and operational effi-*
 25 *ciencies (including fuel efficiency), may rebuild*

1 *or replace that vessel (including fuel efficiency)*
2 *with a vessel documented with a fishery endorse-*
3 *ment under section 12113 of title 46, United*
4 *States Code.*

5 *“(B) SAME REQUIREMENTS.—The rebuilt or*
6 *replacement vessel shall be eligible in the same*
7 *manner and subject to the same restrictions and*
8 *limitations under such subsection as the vessel*
9 *being rebuilt or replaced.*

10 *“(C) TRANSFER OF PERMITS AND LI-*
11 *CENSES.—Each fishing permit and license held*
12 *by the owner of a vessel or vessels to be rebuilt*
13 *or replaced under subparagraph (A) shall be*
14 *transferred to the rebuilt or replacement vessel or*
15 *its owner, as necessary to permit such rebuilt or*
16 *replacement vessel to operate in the same man-*
17 *ner as the vessel prior to the rebuilding or the*
18 *vessel it replaced, respectively.*

19 *“(2) RECOMMENDATIONS OF NORTH PACIFIC*
20 *FISHERY MANAGEMENT COUNCIL.—The North Pacific*
21 *Fishery Management Council may recommend for ap-*
22 *proval by the Secretary such conservation and man-*
23 *agement measures, including size limits and measures*
24 *to control fishing capacity, in accordance with the*
25 *Magnuson-Stevens Act as it considers necessary to en-*

1 *sure that this subsection does not diminish the effec-*
 2 *tiveness of fishery management plans of the Bering*
 3 *Sea and Aleutian Islands Management Area or the*
 4 *Gulf of Alaska.*

5 *“(3) SPECIAL RULE FOR REPLACEMENT OF CER-*
 6 *TAIN VESSELS.—*

7 *“(A) IN GENERAL.—Notwithstanding the re-*
 8 *quirements of subsections (b)(2), (c)(1), and*
 9 *(c)(2) of section 12113 of title 46, United States*
 10 *Code, a vessel that is eligible under subsection*
 11 *(a), (b), (c), or (e) and that qualifies to be docu-*
 12 *mented with a fishery endorsement pursuant to*
 13 *section 213(g) may be replaced with a replace-*
 14 *ment vessel under paragraph (1) if the vessel*
 15 *that is replaced is validly documented with a*
 16 *fishery endorsement pursuant to section 213(g)*
 17 *before the replacement vessel is documented with*
 18 *a fishery endorsement under section 12113 of*
 19 *title 46, United States Code.*

20 *“(B) APPLICABILITY.—A replacement vessel*
 21 *under subparagraph (A) and its owner and*
 22 *mortgagee are subject to the same limitations*
 23 *under section 213(g) that are applicable to the*
 24 *vessel that has been replaced and its owner and*
 25 *mortgagee.*

1 “(4) *SPECIAL RULES FOR CERTAIN CATCHER*
2 *VESSELS.*—

3 “(A) *IN GENERAL.*—*A replacement for a*
4 *covered vessel described in subparagraph (B) is*
5 *prohibited from harvesting fish in any fishery*
6 *(except for the Pacific whiting fishery) managed*
7 *under the authority of any Regional Fishery*
8 *Management Council (other than the North Pa-*
9 *cific Fishery Management Council) established*
10 *under section 302(a) of the Magnuson-Stevens*
11 *Act.*

12 “(B) *COVERED VESSELS.*—*A covered vessel*
13 *referred to in subparagraph (A) is—*

14 “(i) *a vessel eligible under subsection*
15 *(a), (b), or (c) that is replaced under para-*
16 *graph (1); or*

17 “(ii) *a vessel eligible under subsection*
18 *(a), (b), or (c) that is rebuilt to increase its*
19 *registered length, gross tonnage, or shaft*
20 *horsepower.*

21 “(5) *LIMITATION ON FISHERY ENDORSEMENTS.*—
22 *Any vessel that is replaced under this subsection shall*
23 *thereafter not be eligible for a fishery endorsement*
24 *under section 12113 of title 46, United States Code,*

1 *unless that vessel is also a replacement vessel de-*
2 *scribed in paragraph (1).*

3 “(6) *GULF OF ALASKA LIMITATION.*—*Notwith-*
4 *standing paragraph (1), the Secretary shall prohibit*
5 *from participation in the groundfish fisheries of the*
6 *Gulf of Alaska any vessel that is rebuilt or replaced*
7 *under this subsection and that exceeds the maximum*
8 *length overall specified on the license that authorizes*
9 *fishing for groundfish pursuant to the license limita-*
10 *tion program under part 679 of title 50, Code of Fed-*
11 *eral Regulations, as in effect on the date of enactment*
12 *of the Coast Guard Authorization Act of 2010.*

13 “(7) *AUTHORITY OF PACIFIC COUNCIL.*—*Nothing*
14 *in this section shall be construed to diminish or other-*
15 *wise affect the authority of the Pacific Council to rec-*
16 *ommend to the Secretary conservation and manage-*
17 *ment measures to protect fisheries under its jurisdic-*
18 *tion (including the Pacific whiting fishery) and par-*
19 *ticipants in such fisheries from adverse impacts*
20 *caused by this Act.”.*

21 (2) *REPEAL OF EXEMPTION OF CERTAIN VES-*
22 *SELS.*—*Section 203(g) of the American Fisheries Act*
23 *(title II of division C of Public Law 105–277; 112*
24 *Stat. 2681–620) is repealed.*

1 (3) *FISHERY COOPERATIVE EXIT PROVISIONS.*—
2 *Section 210(b) of the American Fisheries Act (title II*
3 *of division C of Public Law 105–277; 112 Stat. 2681–*
4 *629) is amended—*

5 (A) *by moving the matter beginning with*
6 *“the Secretary shall” in paragraph (1) 2 ems to*
7 *the right; and*

8 (B) *by adding at the end the following:*

9 “(7) *FISHERY COOPERATIVE EXIT PROVISIONS.*—

10 “(A) *FISHING ALLOWANCE DETERMINA-*
11 *TION.—For purposes of determining the aggre-*
12 *gate percentage of directed fishing allowances*
13 *under paragraph (1), when a catcher vessel is re-*
14 *moved from the directed pollock fishery, the fish-*
15 *ery allowance for pollock for the vessel being re-*
16 *moved—*

17 “(i) *shall be based on the catch history*
18 *determination for the vessel made pursuant*
19 *to section 679.62 of title 50, Code of Federal*
20 *Regulations, as in effect on the date of en-*
21 *actment of the Coast Guard Authorization*
22 *Act of 2010; and*

23 “(ii) *shall be assigned, for all purposes*
24 *under this title, in the manner specified by*
25 *the owner of the vessel being removed to any*

1 *other catcher vessel or among other catcher*
2 *vessels participating in the fishery coopera-*
3 *tive if such vessel or vessels remain in the*
4 *fishery cooperative for at least one year*
5 *after the date on which the vessel being re-*
6 *moved leaves the directed pollock fishery.*

7 “(B) *ELIGIBILITY FOR FISHERY ENDORSE-*
8 *MENT.—Except as provided in subparagraph*
9 *(C), a vessel that is removed pursuant to this*
10 *paragraph shall be permanently ineligible for a*
11 *fishery endorsement, and any claim (including*
12 *relating to catch history) associated with such*
13 *vessel that could qualify any owner of such vessel*
14 *for any permit to participate in any fishery*
15 *within the exclusive economic zone of the United*
16 *States shall be extinguished, unless such removed*
17 *vessel is thereafter designated to replace a vessel*
18 *to be removed pursuant to this paragraph.*

19 “(C) *LIMITATIONS ON STATUTORY CON-*
20 *STRUCTION.—Nothing in this paragraph shall be*
21 *construed—*

22 “(i) *to make the vessels AJ (United*
23 *States official number 905625), DONA*
24 *MARTITA (United States official number*
25 *651751), NORDIC EXPLORER (United*

1 *States official number 678234), and*
2 *PROVIDIAN (United States official num-*
3 *ber 1062183) ineligible for a fishery en-*
4 *dorsement or any permit necessary to par-*
5 *ticipate in any fishery under the authority*
6 *of the New England Fishery Management*
7 *Council or the Mid-Atlantic Fishery Man-*
8 *agement Council established, respectively,*
9 *under subparagraphs (A) and (B) of section*
10 *302(a)(1) of the Magnuson-Stevens Act; or*

11 *“(ii) to allow the vessels referred to in*
12 *clause (i) to participate in any fishery*
13 *under the authority of the Councils referred*
14 *to in clause (i) in any manner that is not*
15 *consistent with the fishery management*
16 *plan for the fishery developed by the Coun-*
17 *cils under section 303 of the Magnuson-Ste-*
18 *vens Act.”.*

19 **SEC. 603. COLD WEATHER SURVIVAL TRAINING.**

20 *The Commandant of the Coast Guard shall report to*
21 *the Committee on Transportation and Infrastructure of the*
22 *House of Representatives and the Committee on Commerce,*
23 *Science, and Transportation of the Senate on the efficacy*
24 *of cold weather survival training conducted by the Coast*
25 *Guard over the preceding 5 years. The report shall include*

1 *plans for conducting such training in fiscal years 2010*
2 *through 2013.*

3 **SEC. 604. FISHING VESSEL SAFETY.**

4 (a) *SAFETY STANDARDS.*—Section 4502 of title 46,
5 *United States Code, is amended—*

6 (1) *in subsection (a), by—*

7 (A) *striking paragraphs (6) and (7) and in-*
8 *serting the following:*

9 “(6) *other equipment required to minimize the*
10 *risk of injury to the crew during vessel operations, if*
11 *the Secretary determines that a risk of serious injury*
12 *exists that can be eliminated or mitigated by that*
13 *equipment; and*”; and

14 (B) *redesignating paragraph (8) as para-*
15 *graph (7);*

16 (2) *in subsection (b)—*

17 (A) *in paragraph (1) in the matter pre-*
18 *ceding subparagraph (A), by striking “docu-*
19 *mented”;*

20 (B) *in paragraph (1)(A), by striking “the*
21 *Boundary Line” and inserting “3 nautical miles*
22 *from the baseline from which the territorial sea*
23 *of the United States is measured or beyond 3*
24 *nautical miles from the coastline of the Great*
25 *Lakes”;*

1 (C) in paragraph (2)(B), by striking “life-
 2 boats or liferafts” and inserting “a survival craft
 3 that ensures that no part of an individual is im-
 4 mersed in water”;

5 (D) in paragraph (2)(D), by inserting “ma-
 6 rine” before “radio”;

7 (E) in paragraph (2)(E), by striking
 8 “radar reflectors, nautical charts, and anchors”
 9 and inserting “nautical charts, and publica-
 10 tions”;

11 (F) in paragraph (2)(F), by striking “, in-
 12 cluding medicine chests” and inserting “and
 13 medical supplies sufficient for the size and area
 14 of operation of the vessel”; and

15 (G) by amending paragraph (2)(G) to read
 16 as follows:

17 “(G) ground tackle sufficient for the vessel.”;

18 (3) by amending subsection (f) to read as follows:

19 “(f) To ensure compliance with the requirements of
 20 this chapter, the Secretary—

21 “(1) shall require the individual in charge of a
 22 vessel described in subsection (b) to keep a record of
 23 equipment maintenance, and required instruction
 24 and drills; and

1 “(2) shall examine at dockside a vessel described
2 in subsection (b) at least once every 2 years, and shall
3 issue a certificate of compliance to a vessel meeting
4 the requirements of this chapter.”; and

5 (4) by adding at the end the following:

6 “(g)(1) The individual in charge of a vessel described
7 in subsection (b) must pass a training program approved
8 by the Secretary that meets the requirements in paragraph
9 (2) of this subsection and hold a valid certificate issued
10 under that program.

11 “(2) The training program shall—

12 “(A) be based on professional knowledge and skill
13 obtained through sea service and hands-on training,
14 including training in seamanship, stability, collision
15 prevention, navigation, fire fighting and prevention,
16 damage control, personal survival, emergency medical
17 care, emergency drills, and weather;

18 “(B) require an individual to demonstrate abil-
19 ity to communicate in an emergency situation and
20 understand information found in navigation publica-
21 tions;

22 “(C) recognize and give credit for recent past ex-
23 perience in fishing vessel operation; and

1 “(D) provide for issuance of a certificate to an
2 individual that has successfully completed the pro-
3 gram.

4 “(3) The Secretary shall prescribe regulations imple-
5 menting this subsection. The regulations shall require that
6 individuals who are issued a certificate under paragraph
7 (2)(D) must complete refresher training at least once every
8 5 years as a condition of maintaining the validity of the
9 certificate.

10 “(4) The Secretary shall establish a publicly accessible
11 electronic database listing the names of individuals who
12 have participated in and received a certificate confirming
13 successful completion of a training program approved by
14 the Secretary under this section.

15 “(h) A vessel to which this chapter applies shall be con-
16 structed in a manner that provides a level of safety equiva-
17 lent to the minimum safety standards the Secretary may
18 establish for recreational vessels under section 4302, if—

19 “(1) subsection (b) of this section applies to the
20 vessel;

21 “(2) the vessel is less than 50 feet overall in
22 length; and

23 “(3) the vessel is built after January 1, 2010.

24 “(i)(1) The Secretary shall establish a Fishing Safety
25 Training Grants Program to provide funding to munici-

1 *palities, port authorities, other appropriate public entities,*
 2 *not-for-profit organizations, and other qualified persons*
 3 *that provide commercial fishing safety training—*

4 “(A) *to conduct fishing vessel safety training for*
 5 *vessel operators and crewmembers that—*

6 “(i) *in the case of vessel operators, meets the*
 7 *requirements of subsection (g); and*

8 “(ii) *in the case of crewmembers, meets the*
 9 *requirements of subsection (g)(2)(A), such re-*
 10 *quirements of subsection (g)(2)(B) as are appro-*
 11 *priate for crewmembers, and the requirements of*
 12 *subsections (g)(2)(D), (g)(3), and (g)(4); and*

13 “(B) *for purchase of safety equipment and train-*
 14 *ing aids for use in those fishing vessel safety training*
 15 *programs.*

16 “(2) *The Secretary shall award grants under this sub-*
 17 *section on a competitive basis.*

18 “(3) *The Federal share of the cost of any activity car-*
 19 *ried out with a grant under this subsection shall not exceed*
 20 *75 percent.*

21 “(4) *There is authorized to be appropriated \$3,000,000*
 22 *for each of fiscal years 2010 through 2014 for grants under*
 23 *this subsection.*

24 “(j)(1) *The Secretary shall establish a Fishing Safety*
 25 *Research Grant Program to provide funding to individuals*

1 *in academia, members of non-profit organizations and busi-*
 2 *nesses involved in fishing and maritime matters, and other*
 3 *persons with expertise in fishing safety, to conduct research*
 4 *on methods of improving the safety of the commercial fish-*
 5 *ing industry, including vessel design, emergency and sur-*
 6 *vival equipment, enhancement of vessel monitoring systems,*
 7 *communications devices, de-icing technology, and severe*
 8 *weather detection.*

9 “(2) *The Secretary shall award grants under this sub-*
 10 *section on a competitive basis.*

11 “(3) *The Federal share of the cost of any activity car-*
 12 *ried out with a grant under this subsection shall not exceed*
 13 *75 percent.*

14 “(4) *There is authorized to be appropriated \$3,000,000*
 15 *for each fiscal years 2010 through 2014 for activities under*
 16 *this subsection.”.*

17 (b) *CONFORMING AMENDMENT.—Section 4506(b) of*
 18 *title 46, United States Code, is repealed.*

19 (c) *ADVISORY COMMITTEE.—*

20 (1) *CHANGE OF NAME.—Section 4508 of title 46,*
 21 *United States Code, is amended—*

22 (A) *by striking the section heading and in-*
 23 *serting the following:*

1 **“§4508. Commercial Fishing Safety Advisory Com-**
 2 **mittee”;**

3 *and*

4 *(B) in subsection (a) by striking “Industry*
 5 *Vessel”.*

6 (2) *MEMBERSHIP REQUIREMENTS.—Section*
 7 *4508(b)(1) of that title is amended—*

8 *(A) by striking “seventeen” and inserting*
 9 *“eighteen”;*

10 *(B) in subparagraph (A)—*

11 *(i) in the matter preceding clause (i),*
 12 *by striking “from the commercial fishing*
 13 *industry who—” and inserting “who shall*
 14 *represent the commercial fishing industry*
 15 *and who—”; and*

16 *(ii) in clause (ii), by striking “an*
 17 *uninspected” and inserting “a”;*

18 *(C) by striking subparagraph (B) and in-*
 19 *serting the following:*

20 *“(B) three members who shall represent the gen-*
 21 *eral public, including, whenever possible—*

22 *“(i) an independent expert or consultant in*
 23 *maritime safety;*

24 *“(ii) a marine surveyor who provides serv-*
 25 *ices to vessels to which this chapter applies; and*

1 “(iii) a person familiar with issues affect-
 2 ing fishing communities and families of fisher-
 3 men;”; and

4 (D) in subparagraph (C)—

5 (i) in the matter preceding clause (i),
 6 by striking “representing each of—”
 7 and inserting “each of whom shall rep-
 8 resent—”;

9 (ii) in clause (i), by striking “or ma-
 10 rine surveyors;” and inserting “and marine
 11 engineers;”;

12 (iii) in clause (iii), by striking “and”
 13 after the semicolon at the end;

14 (iv) in clause (iv), by striking the pe-
 15 riod at the end and inserting “; and”; and

16 (v) by adding at the end the following
 17 new clause:

18 “(v) owners of vessels to which this chapter
 19 applies.”.

20 (3) *TERMINATION*.—Section 4508(e)(1) of that
 21 title is amended by striking “September 30, 2010.”
 22 and inserting “September 30, 2020.”.

23 (4) *CLERICAL AMENDMENT*.—The table of sec-
 24 tions at the beginning of chapter 45 of title 46,

1 *United States Code, is amended by striking the item*
 2 *relating to such section and inserting the following:*

“4508. Commercial Fishing Safety Advisory Committee.”.

3 *(d) LOADLINES FOR VESSELS 79 FEET OR GREATER*
 4 *IN LENGTH.—*

5 *(1) LIMITATION ON EXEMPTION FOR FISHING*
 6 *VESSELS.—Section 5102(b)(3) of title 46, United*
 7 *States Code, is amended by inserting after “vessel”*
 8 *the following “, unless the vessel is built after July 1,*
 9 *2012”.*

10 *(2) ALTERNATE PROGRAM FOR CERTAIN FISHING*
 11 *VESSELS.—Section 5103 of title 46, United States*
 12 *Code, is amended by adding at the end the following:*
 13 *“(c) A fishing vessel built on or before July 1, 2012,*
 14 *that undergoes a substantial change to the dimension of or*
 15 *type of the vessel completed after the later of July 1, 2012,*
 16 *or the date the Secretary establishes standards for an alter-*
 17 *nate loadline compliance program, shall comply with such*
 18 *an alternative loadline compliance program that is devel-*
 19 *oped in cooperation with the commercial fishing industry*
 20 *and prescribed by the Secretary.”.*

21 *(e) CLASSING OF VESSELS.—*

22 *(1) IN GENERAL.—Section 4503 of title 46,*
 23 *United States Code, is amended—*

24 *(A) by striking the section heading and in-*
 25 *serting the following:*

1 **“§4503. Fishing, fish tender, and fish processing ves-**
 2 **sel certification”;**

3 *(B) in subsection (a) by striking “fish proc-*
 4 *essing”; and*

5 *(C) by adding at the end the following:*

6 “(c) *This section applies to a vessel to which section*
 7 4502(b) of this title applies that is at least 50 feet overall
 8 in length and is built after July 1, 2012.

9 “(d)(1) *After January 1, 2020, a fishing vessel, fish*
 10 *processing vessel, or fish tender vessel to which section*
 11 4502(b) of this title applies shall comply with an alternate
 12 safety compliance program that is developed in cooperation
 13 with the commercial fishing industry and prescribed by the
 14 Secretary, if the vessel—

15 “(A) *is at least 50 feet overall in length;*

16 “(B) *is built before July 1, 2012; and*

17 “(C) *is 25 years of age or older.*

18 “(2) *A fishing vessel, fish processing vessel, or fish ten-*
 19 *der vessel built before July 1, 2012, that undergoes a sub-*
 20 *stantial change to the dimension of or type of vessel com-*
 21 *pleted after the later of July 1, 2012, or the date the Sec-*
 22 *retary establishes standards for an alternate safety compli-*
 23 *ance program, shall comply with such an alternative safety*
 24 *compliance program that is developed in cooperation with*
 25 *the commercial fishing industry and prescribed by the Sec-*
 26 *retary.*

1 “(3) *Alternative safety compliance programs may be*
 2 *developed for purposes of paragraph (1) for specific regions*
 3 *and fisheries.*

4 “(4) *Notwithstanding paragraph (1), vessels owned by*
 5 *a person that owns more than 30 vessels subject to that*
 6 *paragraph are not required to meet the alternate safety*
 7 *compliance requirements of that paragraph until January*
 8 *1, 2030, if that owner enters into a compliance agreement*
 9 *with the Secretary that provides for a fixed schedule for all*
 10 *of the vessels owned by that person to meet requirements*
 11 *of that paragraph by that date and the vessel owner is meet-*
 12 *ing that schedule.*

13 “(5) *A fishing vessel, fish processing vessel, or fish ten-*
 14 *der vessel to which section 4502(b) of this title applies that*
 15 *was classed before July 1, 2012, shall—*

16 “(A) *remain subject to the requirements of a*
 17 *classification society approved by the Secretary; and*

18 “(B) *have on board a certificate from that soci-*
 19 *ety.”.*

20 (2) *CLERICAL AMENDMENT.—The table of sec-*
 21 *tions at the beginning of chapter 45 of title 46,*
 22 *United States Code, is amended by striking the item*
 23 *relating to such section and inserting the following:*

“4503. Fishing, fish tender, and fish processing vessel certification.”.

24 (f) *ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—*
 25 *No later than January 1, 2017, the Secretary of the depart-*

1 *ment in which the Coast Guard is operating shall prescribe*
2 *an alternative safety compliance program referred to in sec-*
3 *tion 4503(d)(1) of the title 46, United States Code, as*
4 *amended by this section.*

5 **SEC. 605. MARINER RECORDS.**

6 *Section 7502 of title 46, United States Code, is amend-*
7 *ed—*

8 *(1) by inserting “(a)” before “The”;*

9 *(2) by striking “computerized records” and in-*
10 *serting “records, including electronic records,”; and*

11 *(3) by adding at the end the following:*

12 *“(b) The Secretary may prescribe regulations requir-*
13 *ing a vessel owner or managing operator of a commercial*
14 *vessel, or the employer of a seaman on that vessel, to main-*
15 *tain records of each individual engaged on the vessel subject*
16 *to inspection under chapter 33 on matters of engagement,*
17 *discharge, and service for not less than 5 years after the*
18 *date of the completion of the service of that individual on*
19 *the vessel. The regulations may require that a vessel owner,*
20 *managing operator, or employer shall make these records*
21 *available to the individual and the Coast Guard on request.*

22 *“(c) A person violating this section, or a regulation*
23 *prescribed under this section, is liable to the United States*
24 *Government for a civil penalty of not more than \$5,000.”.*

1 **SEC. 606. DELETION OF EXEMPTION OF LICENSE REQUIRE-**
 2 **MENT FOR OPERATORS OF CERTAIN TOWING**
 3 **VESSELS.**

4 *Section 8905 of title 46, United States Code, is amend-*
 5 *ed—*

6 *(1) by striking subsection (b); and*

7 *(2) by redesignating subsection (c) as subsection*
 8 *(b).*

9 **SEC. 607. LOG BOOKS.**

10 *(a) IN GENERAL.—Chapter 113 of title 46, United*
 11 *States Code, is amended by adding at the end the following:*

12 **“§ 11304. Additional logbook and entry requirements**

13 *“(a) A vessel of the United States that is subject to*
 14 *inspection under section 3301 of this title, except a vessel*
 15 *on a voyage from a port in the United States to a port*
 16 *in Canada, shall have an official logbook, which shall be*
 17 *kept available for review by the Secretary on request.*

18 *“(b) The log book required by subsection (a) shall in-*
 19 *clude the following entries:*

20 *“(1) The time when each seaman and each offi-*
 21 *cer assumed or relieved the watch.*

22 *“(2) The number of hours in service to the vessels*
 23 *of each seaman and each officer.*

24 *“(3) An account of each accident, illness, and in-*
 25 *jury that occurs during each watch.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter is amended by adding at the*
 3 *end the following:*

“11304. Additional logbook and entry requirements.”.

4 **SEC. 608. SAFE OPERATIONS AND EQUIPMENT STANDARDS.**

5 (a) *IN GENERAL.*—*Chapter 21 of title 46, United*
 6 *States Code, is further amended by adding at the end the*
 7 *following new sections:*

8 **“§2117. Termination for unsafe operation**

9 *“An individual authorized to enforce this title—*

10 *“(1) may remove a certificate required by this*
 11 *title from a vessel that is operating in a condition*
 12 *that does not comply with the provisions of the certifi-*
 13 *cate;*

14 *“(2) may order the individual in charge of a ves-*
 15 *sel that is operating that does not have on board the*
 16 *certificate required by this title to return the vessel to*
 17 *a mooring and to remain there until the vessel is in*
 18 *compliance with this title; and*

19 *“(3) may direct the individual in charge of a*
 20 *vessel to which this title applies to immediately take*
 21 *reasonable steps necessary for the safety of individuals*
 22 *on board the vessel if the official observes the vessel*
 23 *being operated in an unsafe condition that the official*
 24 *believes creates an especially hazardous condition, in-*
 25 *cluding ordering the individual in charge to return*

1 *the vessel to a mooring and to remain there until the*
 2 *situation creating the hazard is corrected or ended.*

3 **“§2118. Establishment of equipment standards**

4 *“(a) In establishing standards for approved equipment*
 5 *required on vessels subject to part B of this title, the Sec-*
 6 *retary shall establish standards that are—*

7 *“(1) based on performance using the best avail-*
 8 *able technology that is economically achievable; and*

9 *“(2) operationally practical.*

10 *“(b) Using the standards established under subsection*
 11 *(a), the Secretary may also certify lifesaving equipment*
 12 *that is not required to be carried on vessels subject to part*
 13 *B of this title to ensure that such equipment is suitable for*
 14 *its intended purpose.*

15 *“(c) At least once every 10 years the Secretary shall*
 16 *review and revise the standards established under subsection*
 17 *(a) to ensure that the standards meet the requirements of*
 18 *this section.”.*

19 *(b) CLERICAL AMENDMENT.—The table of sections at*
 20 *the beginning of such chapter is further amended by adding*
 21 *at the end the following:*

“2117. Termination for unsafe operation.

“2118. Establishment of equipment standards.”.

1 **SEC. 609. APPROVAL OF SURVIVAL CRAFT.**

2 (a) *IN GENERAL.*—Chapter 31 of title 46, United
3 States Code, is amended by adding at the end the following
4 new section:

5 **“§3104. Survival craft**

6 “(a) *Except as provided in subsection (b), the Sec-*
7 *retary may not approve a survival craft as a safety device*
8 *for purposes of this part, unless the craft ensures that no*
9 *part of an individual is immersed in water.*

10 “(b) *The Secretary may authorize a survival craft that*
11 *does not provide protection described in subsection (a) to*
12 *remain in service until not later than January 1, 2015,*
13 *if—*

14 “(1) *it was approved by the Secretary before*
15 *January 1, 2010; and*

16 “(2) *it is in serviceable condition.*”.

17 (b) *CLERICAL AMENDMENT.*—The table of sections at
18 the beginning of such chapter is amended by adding at the
19 end the following:

“3104. *Survival craft.*”.

20 **SEC. 610. SAFETY MANAGEMENT.**

21 (a) *VESSELS TO WHICH REQUIREMENTS APPLY.*—Sec-
22 tion 3202 of title 46, United States Code, is amended—

23 (1) *in subsection (a) by striking the heading and*
24 *inserting “FOREIGN VOYAGES AND FOREIGN VES-*
25 *SELS.—”;*

1 (2) *by redesignating subsections (b) and (c) as*
 2 *subsections (c) and (d), respectively;*

3 (3) *by inserting after subsection (a) the fol-*
 4 *lowing:*

5 “(b) *OTHER PASSENGER VESSELS.—This chapter ap-*
 6 *plies to a vessel that is—*

7 *“(1) a passenger vessel or small passenger vessel;*
 8 *and*

9 *“(2) is transporting more passengers than a*
 10 *number prescribed by the Secretary based on the*
 11 *number of individuals on the vessel that could be*
 12 *killed or injured in a marine casualty.”;*

13 (4) *in subsection (d), as so redesignated, by*
 14 *striking “subsection (b)” and inserting “subsection*
 15 *(c)”;* *and*

16 (5) *in subsection (d)(4), as so redesignated, by*
 17 *inserting “that is not described in subsection (b) of*
 18 *this section” after “waters”.*

19 (b) *SAFETY MANAGEMENT SYSTEM.—Section 3203 of*
 20 *title 46, United States Code, is amended by adding at the*
 21 *end the following new subsection:*

22 “(c) *In prescribing regulations for passenger vessels*
 23 *and small passenger vessels, the Secretary shall consider—*

24 *“(1) the characteristics, methods of operation,*
 25 *and nature of the service of these vessels; and*

1 “(2) with respect to vessels that are ferries, the
2 sizes of the ferry systems within which the vessels op-
3 erate.”.

4 **SEC. 611. PROTECTION AGAINST DISCRIMINATION.**

5 (a) *IN GENERAL.*—Section 2114 of title 46, United
6 States Code, is amended—

7 (1) in subsection (a)(1)(A), by striking “or” after
8 the semicolon;

9 (2) in subsection (a)(1)(B), by striking the pe-
10 riod at the end and inserting a semicolon;

11 (3) by adding at the end of subsection (a)(1) the
12 following new subparagraphs:

13 “(C) the seaman testified in a proceeding
14 brought to enforce a maritime safety law or regula-
15 tion prescribed under that law;

16 “(D) the seaman notified, or attempted to notify,
17 the vessel owner or the Secretary of a work-related
18 personal injury or work-related illness of a seaman;

19 “(E) the seaman cooperated with a safety inves-
20 tigation by the Secretary or the National Transpor-
21 tation Safety Board;

22 “(F) the seaman furnished information to the
23 Secretary, the National Transportation Safety Board,
24 or any other public official as to the facts relating to
25 any marine casualty resulting in injury or death to

1 *an individual or damage to property occurring in*
 2 *connection with vessel transportation; or*

3 *“(G) the seaman accurately reported hours of*
 4 *duty under this part.”; and*

5 *(4) by amending subsection (b) to read as fol-*
 6 *lows:*

7 *“(b) A seaman alleging discharge or discrimination in*
 8 *violation of subsection (a) of this section, or another person*
 9 *at the seaman’s request, may file a complaint with respect*
 10 *to such allegation in the same manner as a complaint may*
 11 *be filed under subsection (b) of section 31105 of title 49.*
 12 *Such complaint shall be subject to the procedures, require-*
 13 *ments, and rights described in that section, including with*
 14 *respect to the right to file an objection, the right of a person*
 15 *to file for a petition for review under subsection (c) of that*
 16 *section, and the requirement to bring a civil action under*
 17 *subsection (d) of that section.”.*

18 *(b) EXISTING ACTIONS.—This section shall not affect*
 19 *the application of section 2114(b) of title 46, United States*
 20 *Code, as in effect before the date of enactment of this Act,*
 21 *to an action filed under that section before that date.*

22 **SEC. 612. OIL FUEL TANK PROTECTION.**

23 *Section 3306 of title 46, United States Code, is amend-*
 24 *ed by adding at the end the following new subsection:*

1 “(k)(1) *Each vessel of the United States that is con-*
 2 *structed under a contract entered into after the date of en-*
 3 *actment of the Maritime Safety Act of 2010, or that is deliv-*
 4 *ered after January 1, 2011, with an aggregate capacity of*
 5 *600 cubic meters or more of oil fuel, shall comply with the*
 6 *requirements of Regulation 12A under Annex I to the Pro-*
 7 *tocol of 1978 relating to the International Convention for*
 8 *the Prevention of Pollution from Ships, 1973, entitled ‘Oil*
 9 *Fuel Tank Protection’.*

10 “(2) *The Secretary may prescribe regulations to apply*
 11 *the requirements described in Regulation 12A to vessels de-*
 12 *scribed in paragraph (1) that are not otherwise subject to*
 13 *that convention. Any such regulation shall be considered to*
 14 *be an interpretive rule for the purposes of section 553 of*
 15 *title 5.*

16 “(3) *In this subsection the term ‘oil fuel’ means any*
 17 *oil used as fuel in connection with the propulsion and aux-*
 18 *iliary machinery of the vessel in which such oil is carried.’.*

19 **SEC. 613. OATHS.**

20 *Section 7105 of title 46, United States Code, is amend-*
 21 *ed by striking “before a designated official”.*

1 **SEC. 614. DURATION OF LICENSES, CERTIFICATES OF REG-**
 2 **ISTRY, AND MERCHANT MARINERS' DOCU-**
 3 **MENTS.**

4 (a) *MERCHANT MARINER'S DOCUMENTS.*—Section
 5 7302(f) of title 46, United States Code, is amended to read
 6 as follows:

7 “(f) *PERIODS OF VALIDITY AND RENEWAL OF MER-*
 8 *CHANT MARINERS' DOCUMENTS.*—

9 “(1) *IN GENERAL.*—Except as provided in sub-
 10 section (g), a merchant mariner's document issued
 11 under this chapter is valid for a 5-year period and
 12 may be renewed for additional 5-year periods.

13 “(2) *ADVANCE RENEWALS.*—A renewed merchant
 14 mariner's document may be issued under this chapter
 15 up to 8 months in advance but is not effective until
 16 the date that the previously issued merchant mari-
 17 ner's document expires or until the completion of any
 18 active suspension or revocation of that previously
 19 issued merchant mariner's document, whichever is
 20 later.”.

21 (b) *DURATION OF LICENSES.*—Section 7106 of such
 22 title is amended to read as follows:

23 **“§ 7106. Duration of licenses**

24 “(a) *IN GENERAL.*—A license issued under this part
 25 is valid for a 5-year period and may be renewed for addi-
 26 tional 5-year periods; except that the validity of a license

1 *issued to a radio officer is conditioned on the continuous*
 2 *possession by the holder of a first-class or second-class ra-*
 3 *diotelegraph operator license issued by the Federal Commu-*
 4 *nications Commission.*

5 “(b) *ADVANCE RENEWALS.*—A renewed license issued
 6 under this part may be issued up to 8 months in advance
 7 but is not effective until the date that the previously issued
 8 license expires or until the completion of any active suspen-
 9 sion or revocation of that previously issued merchant mari-
 10 ner’s document, whichever is later.”.

11 “(c) *CERTIFICATES OF REGISTRY.*—Section 7107 of
 12 such title is amended to read as follows:

13 **“§ 7107. Duration of certificates of registry**

14 “(a) *IN GENERAL.*—A certificate of registry issued
 15 under this part is valid for a 5-year period and may be
 16 renewed for additional 5-year periods; except that the valid-
 17 ity of a certificate issued to a medical doctor or professional
 18 nurse is conditioned on the continuous possession by the
 19 holder of a license as a medical doctor or registered nurse,
 20 respectively, issued by a State.

21 “(b) *ADVANCE RENEWALS.*—A renewed certificate of
 22 registry issued under this part may be issued up to 8
 23 months in advance but is not effective until the date that
 24 the previously issued certificate of registry expires or until
 25 the completion of any active suspension or revocation of

1 *that previously issued merchant mariner's document,*
 2 *whichever is later."*

3 **SEC. 615. AUTHORIZATION TO EXTEND THE DURATION OF**
 4 **LICENSES, CERTIFICATES OF REGISTRY, AND**
 5 **MERCHANT MARINERS' DOCUMENTS.**

6 (a) *MERCHANT MARINER LICENSES AND DOCU-*
 7 *MENTS.—Chapter 75 of title 46, United States Code, is*
 8 *amended by adding at the end the following:*

9 **"§ 7507. Authority to extend the duration of licenses,**
 10 **certificates of registry, and merchant**
 11 **mariner documents**

12 **"(a) LICENSES AND CERTIFICATES OF REGISTRY.—**
 13 *Notwithstanding sections 7106 and 7107, the Secretary of*
 14 *the department in which the Coast Guard is operating*
 15 *may—*

16 *"(1) extend for not more than one year an expir-*
 17 *ing license or certificate of registry issued for an indi-*
 18 *vidual under chapter 73 if the Secretary determines*
 19 *that the extension is required to enable the Coast*
 20 *Guard to eliminate a backlog in processing applica-*
 21 *tions for those licenses or certificates of registry or in*
 22 *response to a national emergency or natural disaster,*
 23 *as deemed necessary by the Secretary; or*

24 *"(2) issue for not more than five years an expir-*
 25 *ing license or certificate of registry issued for an indi-*

1 *vidual under chapter 73 for the exclusive purpose of*
 2 *aligning the expiration date of such license or certifi-*
 3 *cate of registry with the expiration date of a mer-*
 4 *chant mariner's document.*

5 “(b) *MERCHANT MARINER DOCUMENTS.*—*Notwith-*
 6 *standing section 7302(g), the Secretary may—*

7 “(1) *extend for not more than one year an expir-*
 8 *ing merchant mariner's document issued for an indi-*
 9 *vidual under chapter 73 if the Secretary determines*
 10 *that the extension is required to enable the Coast*
 11 *Guard to eliminate a backlog in processing applica-*
 12 *tions for those licenses or certificates of registry or in*
 13 *response to a national emergency or natural disaster,*
 14 *as deemed necessary by the Secretary; or*

15 “(2) *issue for not more than five years an expir-*
 16 *ing merchant mariner's document issued for an indi-*
 17 *vidual under chapter 73 for the exclusive purpose of*
 18 *aligning the expiration date of such merchant mari-*
 19 *ner's document with the expiration date of a mer-*
 20 *chant mariner's document.*

21 “(c) *MANNER OF EXTENSION.*—*Any extensions grant-*
 22 *ed under this section may be granted to individual seamen*
 23 *or a specifically identified group of seamen.”.*

24 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
 25 *chapter is amended by adding at the end the following:*

“7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

1 **SEC. 616. MERCHANT MARINER ASSISTANCE REPORT.**

2 *Not later than 180 days after the date of enactment*
3 *of this Act, the Commandant of the Coast Guard shall sub-*
4 *mit to the Committee on Transportation and Infrastructure*
5 *of the House of Representatives and the Committee on Com-*
6 *merce, Science, and Transportation of the Senate a report*
7 *regarding the feasibility of—*

8 *(1) expanding the streamlined evaluation process*
9 *program that was affiliated with the Houston Re-*
10 *gional Examination Center of the Coast Guard to all*
11 *processing centers of the Coast Guard nationwide;*

12 *(2) including proposals to simplify the applica-*
13 *tion process for a license as an officer, staff officer, or*
14 *operator and for a merchant mariner’s document to*
15 *help eliminate errors by merchant mariners when*
16 *completing the application form (CG–719B), includ-*
17 *ing instructions attached to the application form and*
18 *a modified application form for renewals with ques-*
19 *tions pertaining only to the period of time since the*
20 *previous application;*

21 *(3) providing notice to an applicant of the status*
22 *of the pending application, including a process to*
23 *allow the applicant to check on the status of the ap-*
24 *plication by electronic means; and*

1 (4) *ensuring that all information collected with*
 2 *respect to applications for new or renewed licenses,*
 3 *merchant mariner documents, and certificates of reg-*
 4 *istry is retained in a secure electronic format.*

5 **SEC. 617. OFFSHORE SUPPLY VESSELS.**

6 (a) *REMOVAL OF TONNAGE LIMITS.—*

7 (1) *DEFINITION.—*

8 (A) *IN GENERAL.—*Section 2101(19) of title
 9 46, United States Code, is amended by striking
 10 *“of more than 15 gross tons but less than 500*
 11 *gross tons as measured under section 14502 of*
 12 *this title, or an alternate tonnage measured*
 13 *under section 14302 of this title as prescribed by*
 14 *the Secretary under section 14104 of this title”.*

15 (B) *EXEMPTION.—*Section 5209(b)(1) of the
 16 *Oceans Act of 1992 (Public Law 102–587; 46*
 17 *U.S.C. 2101 note) is amended by striking “ves-*
 18 *sel.” and inserting “vessel of less than 500 gross*
 19 *tons as measured under section 14502, or an al-*
 20 *ternate tonnage measured under section 14302 of*
 21 *such title as prescribed by the Secretary under*
 22 *section 14104 of such title.”.*

23 (2) *APPLICATION.—*Section 3702(b) of title 46,
 24 *United States Code, is amended by striking para-*

1 *graph (1) and redesignating paragraphs (2) and (3)*
2 *as paragraphs (1) and (2), respectively.*

3 *(b) SCALE OF EMPLOYMENT: ABLE SEAMEN.—Section*
4 *7312(d) of title 46, United States Code, is amended to read*
5 *as follows:*

6 *“(d) INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—*
7 *Offshore supply vessel under section 7310 of this title may*
8 *constitute all of the able seamen required on board a vessel*
9 *of less than 500 gross tons as measured under section 14502*
10 *of this title or 6,000 gross tons as measured under section*
11 *14302 of this title engaged in support of exploration, exploi-*
12 *tation, or production of offshore mineral or energy re-*
13 *sources. Individuals qualified as able seamen—limited*
14 *under section 7308 of this title may constitute all of the*
15 *able seamen required on board a vessel of at least 500 gross*
16 *tons as measured under section 14502 of this title or 6,000*
17 *gross tons as measured under section as measured under*
18 *section 14302 of this title as prescribed by the Secretary*
19 *under section 14104 of this title engaged in support of ex-*
20 *ploration, exploitation, or production of offshore mineral or*
21 *energy resources.”.*

22 *(c) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—*
23 *Section 8301(b) of title 46, United States Code, is amended*
24 *to read as follows:*

1 “(b)(1) *An offshore supply vessel of less than 500 gross*
 2 *tons as measured under section 14502 of this title or 6,000*
 3 *gross tons as measured under section 14302 of this title on*
 4 *a voyage of less than 600 miles shall have a licensed mate.*
 5 *If the vessel is on a voyage of at least 600 miles, however,*
 6 *the vessel shall have 2 licensed mates.*

7 “(2) *An offshore supply vessel of at least 6,000 gross*
 8 *tons as measured under section 14302 of this title on a voy-*
 9 *age of less than 600 miles shall have at least two licensed*
 10 *mates, provided the offshore supply vessel meets the require-*
 11 *ments of section 8104(g)(2). An offshore supply vessel of at*
 12 *least 6,000 gross tons as measured under section 14302 of*
 13 *this title on a voyage of at least 600 miles shall have three*
 14 *licensed mates.*

15 “(3) *An offshore supply vessel of more than 200 gross*
 16 *tons as measured under section 14502 of this title, or an*
 17 *alternate tonnage measured under section 14302 of this title*
 18 *as prescribed by the Secretary under section 14104 of this*
 19 *title, may not be operated without a licensed engineer.”.*

20 (d) *WATCHES.*—Section 8104(g) of title 46, United
 21 *States Code, is amended—*

22 (1) *by inserting “(1)” after “(g)”;* and

23 (2) *by adding at the end the following:*

24 “(2) *Paragraph (1) applies to an offshore supply vessel*
 25 *of at least 6,000 gross tons as measured under section 14302*

1 *of this title if the individuals engaged on the vessel are in*
2 *compliance with hours of service requirements (including*
3 *recording and recordkeeping of that service) as prescribed*
4 *by the Secretary.”.*

5 *(e) OIL FUEL TANK PROTECTION.—*

6 *(1) APPLICATION.—An offshore supply vessel of*
7 *at least 6,000 gross tons as measured under section*
8 *14302 of title 46, United States Code, that is con-*
9 *structed under a contract entered into after the date*
10 *of enactment of this Act, or that is delivered after Au-*
11 *gust 1, 2010, with an aggregate capacity of 600 cubic*
12 *meters or more of oil fuel, shall comply with the re-*
13 *quirements of Regulation 12A under Annex I to the*
14 *Protocol of 1978 relating to the International Conven-*
15 *tion for the Prevention of Pollution from Ships, 1973,*
16 *entitled Oil Fuel Tank Protection, regardless of*
17 *whether such vessel is engaged in the coastwise trade*
18 *or on an international voyage.*

19 *(2) DEFINITION.—In this subsection the term*
20 *“oil fuel” means any oil used as fuel in connection*
21 *with the propulsion and auxiliary machinery of the*
22 *vessel in which such oil is carried.*

23 *(f) REGULATIONS.—*

24 *(1) IN GENERAL.—Not later than January 1,*
25 *2012, the Secretary of the department in which the*

1 *Coast Guard is operating shall promulgate regula-*
2 *tions to implement the amendments and authorities*
3 *enacted by this section for offshore supply vessels of*
4 *at least 6,000 gross tons as measured under section*
5 *14302 of title 46, United States Code, and to ensure*
6 *the safe carriage of oil, hazardous substances, and in-*
7 *dividuals in addition to the crew on such vessels. The*
8 *final rule issued pursuant to such rulemaking may*
9 *supersede the interim final rule promulgated under*
10 *paragraph (2) of this subsection. In promulgating*
11 *regulations under this subsection, the Secretary shall*
12 *take into consideration the characteristics of offshore*
13 *supply vessels, their methods of operation, and their*
14 *service in support of exploration, exploitation, or pro-*
15 *duction of offshore mineral or energy resources.*

16 (2) *INTERIM FINAL RULE AUTHORITY.—As soon*
17 *as is practicable and without regard to the provisions*
18 *of chapters 5 and 6 of title 5, United States Code, the*
19 *Secretary shall issue an interim final rule as a tem-*
20 *porary regulation implementing this section (includ-*
21 *ing the amendments made by this section) for offshore*
22 *supply vessels of at least 6,000 gross tons as measured*
23 *under section 14302 of title 46, United States Code,*
24 *and to ensure the safe carriage of oil, hazardous sub-*

1 *stances, and individuals in addition to the crew on*
2 *such vessels.*

3 (3) *INTERIM PERIOD.*—*After the effective date of*
4 *this Act, prior to the effective date of the regulations*
5 *prescribed by paragraph (2) of this subsection, and*
6 *without regard to the provisions of chapters 5 and 6*
7 *of title 5, United States Code, and the offshore supply*
8 *vessel tonnage limits of applicable regulations and*
9 *policy guidance promulgated prior to the date of en-*
10 *actment of this Act, the Secretary of the department*
11 *in which the Coast Guard is operating may—*

12 (A) *issue a certificate of inspection under*
13 *section 3309 of title 46, United States Code, to*
14 *an offshore supply vessel of at least 6,000 gross*
15 *tons as measured under section 14302 of that*
16 *title if the Secretary determines that such vessel's*
17 *arrangements and equipment meet the current*
18 *Coast Guard requirements for certification as a*
19 *cargo and miscellaneous vessel;*

20 (B) *authorize a master, mate, or engineer*
21 *who possesses an ocean or near coastal license*
22 *and endorsement under part 11 of subchapter B*
23 *of title 46, Code of Federal Regulations, (or any*
24 *successor regulation) that qualifies the licensed*
25 *officer for service on offshore supply vessels of at*

1 *least 3,000 gross tons but less than 6,000 gross*
2 *tons, as measured under section 14302 of title*
3 *46, United States Code, to operate offshore sup-*
4 *ply vessels of at least 6,000 gross tons, as meas-*
5 *ured under such section; and*

6 *(C) authorize any such master, mate, or en-*
7 *gineer who also possesses an ocean or near coast-*
8 *al license and endorsement under such part that*
9 *qualifies the licensed officer for service on non*
10 *trade-restricted vessels of at least 1,600 gross tons*
11 *but less than 3,000 gross tons, as measured*
12 *under such section, to increase the tonnage limi-*
13 *tation of such license and endorsement under sec-*
14 *tion 402(c) of such part, using service on vessels*
15 *certificated under both subchapters I and L of*
16 *such title and measured only under such section,*
17 *except that such tonnage limitation shall not ex-*
18 *ceed 10,000 gross tons as measured under such*
19 *section.*

20 **SEC. 618. ASSOCIATED EQUIPMENT.**

21 *Section 2101(1)(B) of title 46, United States Code, is*
22 *amended by inserting “with the exception of emergency lo-*
23 *cator beacons for recreational vessels operating beyond 3*
24 *nautical miles from the baselines from which the territorial*

1 *sea of the United States is measured or beyond 3 nautical*
 2 *miles from the coastline of the Great Lake,” before “does”.*

3 **SEC. 619. LIFESAVING DEVICES ON UNINSPECTED VESSELS.**

4 *Section 4102(b) of title 46, United States Code, is*
 5 *amended to read as follows:*

6 *“(b) The Secretary shall prescribe regulations requir-*
 7 *ing the installation, maintenance, and use of life preservers*
 8 *and other lifesaving devices for individuals on board*
 9 *uninspected vessels.”.*

10 **SEC. 620. STUDY OF BLENDED FUELS IN MARINE APPLICA-**
 11 **TION.**

12 *(a) SURVEY.—*

13 *(1) IN GENERAL.—Not later than 180 days after*
 14 *the date of enactment of this Act, the Secretary of*
 15 *Homeland Security, acting through the Commandant*
 16 *of the Coast Guard, shall submit a survey of pub-*
 17 *lished data and reports, pertaining to the use, safety,*
 18 *and performance of blended fuels in marine applica-*
 19 *tions, to the Committee on Transportation and Infra-*
 20 *structure of the House of Representatives and the*
 21 *Committees on Commerce, Science, and Transpor-*
 22 *tation of the Senate.*

23 *(2) INCLUDED INFORMATION.—To the extent pos-*
 24 *sible, the survey required in subsection (a), shall in-*
 25 *clude data and reports on—*

1 (A) the impact of blended fuel on the oper-
 2 ation, durability, and performance of rec-
 3 reational and commercial marine engines, ves-
 4 sels, and marine engine and vessel components
 5 and associated equipment;

6 (B) the safety impacts of blended fuels on
 7 consumers that own and operate recreational
 8 and commercial marine engines and marine en-
 9 gine components and associated equipment; and

10 (C) to the extent available, fires and explo-
 11 sions on board vessels propelled by engines using
 12 blended fuels.

13 (b) *STUDY*.—

14 (1) *IN GENERAL*.—Not later than 36 months
 15 after the date of enactment of this Act, the Secretary,
 16 acting through the Commandant, shall conduct a
 17 comprehensive study on the use, safety, and perform-
 18 ance of blended fuels in marine applications. The Sec-
 19 retary is authorized to conduct such study in conjunc-
 20 tion with—

21 (A) any other Federal agency;

22 (B) any State government or agency;

23 (C) any local government or agency, includ-
 24 ing local police and fire departments; and

1 (D) any private entity, including engine
2 and vessel manufacturers.

3 (2) *EVALUATION.*—The study shall include an
4 evaluation of—

5 (A) the impact of blended fuel on the oper-
6 ation, durability and performance of rec-
7 reational and commercial marine engines, ves-
8 sels, and marine engine and vessel components
9 and associated equipment;

10 (B) the safety impacts of blended fuels on
11 consumers that own and operate recreational
12 and commercial marine engines and marine en-
13 gine components and associated equipment; and

14 (C) fires and explosions on board vessels
15 propelled by engines using blended fuels.

16 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
17 authorized to be appropriated to the Secretary of Homeland
18 Security to carry out the survey and study under this sec-
19 tion \$1,000,000.

20 **SEC. 621. RENEWAL OF ADVISORY COMMITTEES.**

21 (a) *GREAT LAKES PILOTAGE ADVISORY COM-*
22 *MITTEE.*—Section 9307(f)(1) of title 46, United States
23 Code, is amended by striking “September 30, 2010.” and
24 inserting “September 30, 2020.”.

1 (b) *NATIONAL BOATING SAFETY ADVISORY COUN-*
 2 *CIL.—Section 13110 of title 46, United States Code, is*
 3 *amended—*

4 (1) *in subsection (d), by striking the first sen-*
 5 *tence; and*

6 (2) *in subsection (e), by striking “September 30,*
 7 *2010.” and inserting “September 30, 2020.”.*

8 (c) *HOUSTON-GALVESTON NAVIGATION SAFETY ADVI-*
 9 *SORY COMMITTEE.—Section 18(h) of the Coast Guard Au-*
 10 *thorization Act of 1991 (Public Law 102–241 as amended*
 11 *by Public Law 104–324) is amended by striking “Sep-*
 12 *tember 30, 2010.” and inserting “September 30, 2020.”.*

13 (d) *LOWER MISSISSIPPI RIVER WATERWAY SAFETY*
 14 *ADVISORY COMMITTEE.—Section 19 of the Coast Guard Au-*
 15 *thorization Act of 1991 (Public Law 102–241) is amend-*
 16 *ed—*

17 (1) *in subsection (b)—*

18 (A) *in the matter preceding paragraph (1),*
 19 *by striking “twenty-four” and inserting “twenty-*
 20 *five”; and*

21 (B) *by adding at the end the following new*
 22 *paragraph:*

23 “(12) *One member representing the Associated*
 24 *Federal Pilots and Docking Masters of Louisiana.”;*
 25 *and*

1 (2) in subsection (g), by striking “September 30,
2 2010.” and inserting “September 30, 2020.”.

3 (e) *TOWING SAFETY ADVISORY COMMITTEE.*—*The Act*
4 *entitled “An Act To establish a Towing Safety Advisory*
5 *Committee in the Department of Transportation”, ap-*
6 *proved October 6, 1980, (33 U.S.C. 1231a) is amended—*

7 (1) *by striking subsection (a) and inserting the*
8 *following:*

9 “(a) *There is established a Towing Safety Advisory*
10 *Committee (hereinafter referred to as the ‘Committee’). The*
11 *Committee shall consist of eighteen members with par-*
12 *ticular expertise, knowledge, and experience regarding shal-*
13 *low-draft inland and coastal waterway navigation and tow-*
14 *ing safety as follows:*

15 “(1) *Seven members representing the barge and*
16 *towing industry, reflecting a regional geographic bal-*
17 *ance.*

18 “(2) *One member representing the offshore min-*
19 *eral and oil supply vessel industry.*

20 “(3) *One member representing holders of active*
21 *licensed Masters or Pilots of towing vessels with expe-*
22 *rience on the Western Rivers and the Gulf Intra-*
23 *coastal Waterway.*

1 “(4) One member representing the holders of ac-
2 *tive licensed Masters of towing vessels in offshore serv-*
3 *ice.*

4 “(5) One member representing Masters who are
5 *active ship-docking or harbor towing vessel.*

6 “(6) One member representing licensed or unli-
7 *censed towing vessel engineers with formal training*
8 *and experience.*

9 “(7) Two members representing each of the fol-
10 *lowing groups:*

11 “(A) Port districts, authorities, or terminal
12 *operators.*

13 “(B) Shippers (of whom at least one shall
14 *be engaged in the shipment of oil or hazardous*
15 *materials by barge).*

16 “(8) Two members representing the general pub-
17 *lic.”; and*

18 (2) in subsection (e), by striking “September 30,
19 *2010.” and inserting “September 30, 2020.”.*

20 (f) NAVIGATION SAFETY ADVISORY COUNCIL.—Section
21 *5 of the Inland Navigational Rules Act of 1980 (33 U.S.C.*
22 *2073) is amended—*

23 (1) by striking subsections (a) and (b) and in-
24 *serting the following:*

25 “(a) ESTABLISHMENT OF COUNCIL.—

1 “(1) *IN GENERAL.*—*The Secretary of the depart-*
 2 *ment in which the Coast Guard is operating shall es-*
 3 *tablish a Navigation Safety Advisory Council (herein-*
 4 *after referred to as the ‘Council’), consisting of not*
 5 *more than 21 members. All members shall have exper-*
 6 *tise in Inland and International vessel navigation*
 7 *Rules of the Road, aids to maritime navigation, mar-*
 8 *itime law, vessel safety, port safety, or commercial*
 9 *diving safety. Upon appointment, all non-Federal*
 10 *members shall be designated as representative mem-*
 11 *bers to represent the viewpoints and interests of one*
 12 *of the following groups or organizations:*

13 “(A) *Commercial vessel owners or operators.*

14 “(B) *Professional mariners.*

15 “(C) *Recreational boaters.*

16 “(D) *The recreational boating industry.*

17 “(E) *State agencies responsible for vessel or*
 18 *port safety.*

19 “(F) *The Maritime Law Association.*

20 “(2) *PANELS.*—*Additional persons may be ap-*
 21 *pointed to panels of the Council to assist the Council*
 22 *in performance of its functions.*

23 “(3) *NOMINATIONS.*—*The Secretary, through the*
 24 *Coast Guard Commandant, shall not less often than*
 25 *once a year publish a notice in the Federal Register*

1 *soliciting nominations for membership on the Coun-*
 2 *cil.*

3 “(b) *FUNCTIONS.*—*The Council shall advise, consult*
 4 *with, and make recommendations to the Secretary, through*
 5 *the Coast Guard Commandant, on matters relating to mar-*
 6 *itime collisions, rammings, groundings, Inland Rules of the*
 7 *Road, International Rules of the Road, navigation regula-*
 8 *tions and equipment, routing measures, marine informa-*
 9 *tion, diving safety, and aids to navigation systems. Any*
 10 *advice and recommendations made by the Council to the*
 11 *Secretary shall reflect the independent judgment of the*
 12 *Council on the matter concerned. The Council shall meet*
 13 *at the call of the Coast Guard Commandant, but in any*
 14 *event not less than twice during each calendar year. All*
 15 *proceedings of the Council shall be public, and a record of*
 16 *the proceedings shall be made available for public inspec-*
 17 *tion.”; and*

18 (2) *in subsection (d), by striking “September 30,*
 19 *2010.” and inserting “September 30, 2020.”.*

20 (g) *DELAWARE RIVER AND BAY OIL SPILL ADVISORY*
 21 *COMMITTEE.*—

22 (1) *IN GENERAL.*—*Section 607 of the Coast*
 23 *Guard and Maritime Transportation Act of 2006*
 24 *(Public Law 109–241; 120 Stat. 556) is amended—*

1 (A) in subsection (c)(2), by striking “Not
2 later than 18 months after the date that the
3 Commandant completes appointment of the
4 members of the Committee,” and inserting “Not
5 later than December 31, 2010,”;

6 (B) in subsection (h), by striking “2007”
7 and inserting “2011”; and

8 (C) by striking subsection (i) and inserting
9 the following:

10 “(i) *TERMINATION.*—The Committee shall terminate
11 30 days after it transmits its report, pursuant to subsection
12 (c)(2), but no later than December 31, 2010, whichever is
13 earlier.”.

14 (2) *EFFECTIVE DATE.*—The amendments made
15 by this subsection are deemed to have taken effect as
16 if they were enacted on July 11, 2006.

17 (3) *CHARTER.*—Any charter pertaining to the
18 Delaware River and Bay Oil Spill Advisory Com-
19 mittee is deemed not to have lapsed, and to have re-
20 mained in effect, and, notwithstanding any other pro-
21 vision of law or policy, shall terminate 30 days after
22 the date the Committee transmits its report, pursuant
23 to section 607(c)(2) of the Coast Guard and Maritime
24 Transportation Act of 2006 (Public Law 109–241;

1 120 Stat. 557), but not later than December 31, 2010,
2 whichever is earlier.

3 (4) *APPOINTMENTS TO COMMITTEE.*—Any ap-
4 pointment to the Delaware River and Bay Oil Spill
5 Advisory Committee is deemed not to have lapsed,
6 and to have remained in effect, and, notwithstanding
7 any other provision of law or policy, shall terminate
8 30 days after the Committee transmits its report,
9 pursuant to section 607(c)(2) of the Coast Guard and
10 Maritime Transportation Act of 2006 (Public Law
11 109–241; 120 Stat. 557), but not later than December
12 31, 2010, whichever is earlier.

13 **SEC. 622. DELEGATION OF AUTHORITY.**

14 (a) *IN GENERAL.*—Section 3316 of title 46, United
15 States Code, is amended by adding at the end the following
16 new subsection:

17 “(d)(1) The Secretary may delegate to the American
18 Bureau of Shipping or another classification society recog-
19 nized by the Secretary as meeting acceptable standards for
20 such a society, for a United States offshore facility, the au-
21 thority to—

22 “(A) review and approve plans required for
23 issuing a certificate of inspection, a certificate of com-
24 pliance, or any other certification and related docu-
25 ments issued by the Coast Guard pursuant to regula-

1 *tions issued under section 30 of the Outer Continental*
2 *Shelf Lands Act (43 U.S.C. 1356); and*

3 *“(B) conduct inspections and examinations.*

4 *“(2) The Secretary may make a delegation under*
5 *paragraph (1) to a foreign classification society only if—*

6 *“(A) the foreign society has offices and main-*
7 *tains records in the United States; and*

8 *“(B)(i) the government of the foreign country in*
9 *which the foreign society is headquartered delegates*
10 *that authority to the American Bureau of Shipping;*
11 *or*

12 *“(ii) the Secretary has entered into an agreement*
13 *with the government of the foreign country in which*
14 *the foreign society is headquartered that—*

15 *“(I) ensures the government of the foreign*
16 *country will accept plan review, inspections, or*
17 *examinations conducted by the American Bureau*
18 *of Shipping and provide equivalent access to in-*
19 *spect, certify, and provide related services to off-*
20 *shore facilities located in that country or oper-*
21 *ating under the authority of that country; and*

22 *“(II) is in full accord with principles of*
23 *reciprocity in regards to any delegation con-*
24 *templated by the Secretary under paragraph (1).*

1 “(3) *If an inspection or examination is conducted*
2 *under authority delegated under this subsection, the person*
3 *to which the authority was delegated—*

4 “(A) *shall maintain in the United States com-*
5 *plete files of all information derived from or nec-*
6 *essarily connected with the inspection or examination*
7 *for at least 2 years after the United States offshore fa-*
8 *cility ceases to be certified; and*

9 “(B) *shall permit access to those files at all rea-*
10 *sonable times to any officer, employee, or member of*
11 *the Coast Guard designated—*

12 “(i) *as a marine inspector and serving in*
13 *a position as a marine inspector; or*

14 “(ii) *in writing by the Secretary to have ac-*
15 *cess to those files.*

16 “(4) *For purposes of this subsection—*

17 “(A) *the term ‘offshore facility’ means any in-*
18 *stallation, structure, or other device (including any*
19 *vessel not documented under chapter 121 of this title*
20 *or the laws of another country), fixed or floating, that*
21 *dynamically holds position or is temporarily or per-*
22 *manently attached to the seabed or subsoil under the*
23 *sea; and*

24 “(B) *the term ‘United States offshore facility’*
25 *means any offshore facility, fixed or floating, that dy-*

1 *namically holds position or is temporarily or perma-*
 2 *nently attached to the seabed or subsoil under the ter-*
 3 *ritorial sea of the United States or the outer Conti-*
 4 *mental Shelf (as that term is defined in section 2 of*
 5 *the Outer Continental Shelf Lands Act (43 U.S.C.*
 6 *1331)), including any vessel, rig, platform, or other*
 7 *vehicle or structure subject to regulation under section*
 8 *30 of the Outer Continental Shelf Lands Act (43*
 9 *U.S.C. 1356).”.*

10 *(b) REVIEW AND APPROVAL OF CLASSIFICATION SOCI-*
 11 *ETY REQUIRED.—Section 3316(c) of title 46, United States*
 12 *Code, is amended by striking so much as precedes para-*
 13 *graph (2) and inserting the following:*

14 *“(c)(1) A classification society (including an employee*
 15 *or agent of that society) may not review, examine, survey,*
 16 *or certify the construction, repair, or alteration of a vessel*
 17 *in the United States unless the society has applied for ap-*
 18 *proval under this subsection and the Secretary has reviewed*
 19 *and approved that society with respect to the conduct of*
 20 *that society under paragraph (2).”.*

21 ***TITLE VII—OIL POLLUTION***
 22 ***PREVENTION***

23 ***SEC. 701. RULEMAKINGS.***

24 *(a) STATUS REPORT.—*

1 (1) *IN GENERAL.*—Not later than 90 days after
2 the date of enactment of this Act, the Secretary of the
3 department in which the Coast Guard is operating
4 shall provide a report to the Senate Committee on
5 Commerce, Science, and Transportation and the
6 House of Representatives Committee on Transpor-
7 tation and Infrastructure on the status of all Coast
8 Guard rulemakings required or otherwise being devel-
9 oped (but for which no final rule has been issued as
10 of the date of enactment of this Act) under section 311
11 of the Federal Water Pollution Control Act (33 U.S.C.
12 1321).

13 (2) *INFORMATION REQUIRED.*—The Secretary
14 shall include in the report required in paragraph
15 (1)—

16 (A) a detailed explanation with respect to
17 each such rulemaking as to—

18 (i) what steps have been completed;

19 (ii) what areas remain to be addressed;

20 and

21 (iii) the cause of any delays; and

22 (B) the date by which a final rule may rea-
23 sonably be expected to be issued.

24 (b) *FINAL RULES.*—The Secretary shall issue a final
25 rule in each pending rulemaking described in subsection (a)

1 *as soon as practicable, but in no event later than 18 months*
2 *after the date of enactment of this Act.*

3 (c) *TOWING VESSELS.*—No later than 90 days after the
4 date of enactment of this Act, the Secretary shall issue a
5 notice of proposed rulemaking regarding inspection require-
6 ments for towing vessels required under section 3306(j) of
7 title 46, United States Code. The Secretary shall issue a
8 final rule pursuant to that rulemaking no later than 1 year
9 after the date of enactment of this Act.

10 **SEC. 702. OIL TRANSFERS FROM VESSELS.**

11 (a) *REGULATIONS.*—Within 1 year after the date of
12 enactment of this Act, the Secretary shall promulgate regu-
13 lations to reduce the risks of oil spills in operations involv-
14 ing the transfer of oil from or to a tank vessel. The regula-
15 tions—

16 (1) *shall focus on operations that have the high-*
17 *est risks of discharge, including operations at night*
18 *and in inclement weather;*

19 (2) *shall consider—*

20 (A) *requirements for the use of equipment,*
21 *such as putting booms in place for transfers,*
22 *safety, and environmental impacts;*

23 (B) *operational procedures such as man-*
24 *ning standards, communications protocols, and*
25 *restrictions on operations in high-risk areas; or*

1 (C) both such requirements and operational
2 procedures; and

3 (3) shall take into account the safety of personnel
4 and effectiveness of available procedures and equip-
5 ment for preventing or mitigating transfer spills.

6 (b) *APPLICATION WITH STATE LAWS.*—The regula-
7 tions promulgated under subsection (a) do not preclude the
8 enforcement of any State law or regulation the requirements
9 of which are at least as stringent as requirements under
10 the regulations (as determined by the Secretary) that—

11 (1) applies in State waters; and

12 (2) does not conflict with, or interfere with the
13 enforcement of, requirements and operational proce-
14 dures under the regulations.

15 **SEC. 703. IMPROVEMENTS TO REDUCE HUMAN ERROR AND**
16 **NEAR MISS INCIDENTS.**

17 (a) *REPORT.*—Within 1 year after the date of enact-
18 ment of this Act, the Secretary shall transmit a report to
19 the Senate Committee on Commerce, Science, and Trans-
20 portation and the House Committee on Transportation and
21 Infrastructure that, using available data—

22 (1) identifies the types of human errors that,
23 combined, could cause oil spills, with particular at-
24 tention to human error caused by fatigue, in the past
25 10 years;

1 (2) *in consultation with representatives of indus-*
2 *try and labor and experts in the fields of marine cas-*
3 *ualties and human factors, identifies the most fre-*
4 *quent types of near-miss oil spill incidents involving*
5 *vessels such as collisions, allisions, groundings, and*
6 *loss of propulsion in the past 10 years;*

7 (3) *describes the extent to which there are gaps*
8 *in the data required under paragraphs (1) and (2),*
9 *including gaps in the ability to define and identify*
10 *fatigue, and explains the reason for those gaps; and*

11 (4) *includes recommendations by the Secretary*
12 *and representatives of industry and labor and experts*
13 *in the fields of marine casualties and human factors*
14 *to address the identified types of errors and any such*
15 *gaps in the data.*

16 (b) *MEASURES.*—*Based on the findings contained in*
17 *the report required by subsection (a), the Secretary shall*
18 *take appropriate action to reduce the risk of oil spills*
19 *caused by human error.*

20 (c) *CONFIDENTIALITY OF VOLUNTARILY SUBMITTED*
21 *INFORMATION.*—*The identity of a person making a vol-*
22 *untary disclosure under this section, and any information*
23 *obtained from any such voluntary disclosure, shall be treat-*
24 *ed as confidential.*

1 (d) *DISCOVERY OF VOLUNTARILY SUBMITTED INFOR-*
2 *MATION.*—

3 (1) *IN GENERAL.*—*Except as provided in this*
4 *subsection, a party in a judicial proceeding may not*
5 *use discovery to obtain information or data collected*
6 *or received by the Secretary for use in the report re-*
7 *quired in subsection (a).*

8 (2) *EXCEPTION.*—

9 (A) *Notwithstanding paragraph (1), a court*
10 *may allow discovery by a party in a judicial*
11 *proceeding of data described in paragraph (1) if,*
12 *after an in camera review of the information or*
13 *data, the court decides that there is a compelling*
14 *reason to allow the discovery.*

15 (B) *When a court allows discovery in a ju-*
16 *dicial proceeding as permitted under this para-*
17 *graph, the court shall issue a protective order—*

18 (i) *to limit the use of the data to the*
19 *judicial proceeding; and*

20 (ii) *to prohibit dissemination of the*
21 *data to any person who does not need access*
22 *to the data for the proceeding.*

23 (C) *A court may allow data it has decided*
24 *is discoverable under this paragraph to be ad-*
25 *mitted into evidence in a judicial proceeding*

1 *only if the court places the data under seal to*
2 *prevent the use of the data for a purpose other*
3 *than for the proceeding.*

4 (3) *APPLICATION.—Paragraph (1) shall not*
5 *apply to—*

6 (A) *any disclosure made with actual knowl-*
7 *edge that the disclosure was false, inaccurate, or*
8 *misleading; or*

9 (B) *any disclosure made with reckless dis-*
10 *regard as to the truth or falsity of that disclo-*
11 *sure.*

12 (e) *RESTRICTION ON USE OF DATA.—Data that is vol-*
13 *untarily submitted for the purpose of the study required*
14 *under subsection (a) shall not be used in an administrative*
15 *action under chapter 77 of title 46, United States Code.*

16 **SEC. 704. OLYMPIC COAST NATIONAL MARINE SANCTUARY.**

17 *The Secretary of the Department in which the Coast*
18 *Guard is operating and the Under Secretary of Commerce*
19 *for Oceans and Atmosphere shall revise the area to be avoid-*
20 *ed off the coast of the State of Washington so that restric-*
21 *tions apply to all vessels required to prepare a response*
22 *plan pursuant to section 311(j) of the Federal Water Pollu-*
23 *tion Control Act (33 U.S.C. 1321(j)) (other than fishing or*
24 *research vessels while engaged in fishing or research within*
25 *the area to be avoided).*

1 **SEC. 705. PREVENTION OF SMALL OIL SPILLS.**

2 (a) *PREVENTION AND EDUCATION PROGRAM.*—*The*
3 *Under Secretary of Commerce for Oceans and Atmosphere,*
4 *in consultation with the Secretary of the Department in*
5 *which the Coast Guard is operating and other appropriate*
6 *agencies, shall establish an oil spill prevention and edu-*
7 *cation program for small vessels. The program shall provide*
8 *for assessment, outreach, and training and voluntary com-*
9 *pliance activities to prevent and improve the effective re-*
10 *sponse to oil spills from vessels and facilities not required*
11 *to prepare a vessel response plan under the Federal Water*
12 *Pollution Control Act (33 U.S.C. 1251 et seq.), including*
13 *recreational vessels, commercial fishing vessels, marinas,*
14 *and aquaculture facilities. The Under Secretary may pro-*
15 *vide grants to sea grant colleges and institutes designated*
16 *under section 207 of the National Sea Grant College Pro-*
17 *gram Act (33 U.S.C. 1126) and to State agencies, tribal*
18 *governments, and other appropriate entities to carry out—*

19 (1) *regional assessments to quantify the source,*
20 *incidence and volume of small oil spills, focusing ini-*
21 *tially on regions in the country where, in the past 10*
22 *years, the incidence of such spills is estimated to be*
23 *the highest;*

24 (2) *voluntary, incentive-based clean marina pro-*
25 *grams that encourage marina operators, recreational*
26 *boaters, and small commercial vessel operators to en-*

1 *gage in environmentally sound operating and mainte-*
2 *nance procedures and best management practices to*
3 *prevent or reduce pollution from oil spills and other*
4 *sources;*

5 *(3) cooperative oil spill prevention education*
6 *programs that promote public understanding of the*
7 *impacts of spilled oil and provide useful information*
8 *and techniques to minimize pollution, including*
9 *methods to remove oil and reduce oil contamination*
10 *of bilge water, prevent accidental spills during main-*
11 *tenance and refueling and properly cleanup and dis-*
12 *pose of oil and hazardous substances; and*

13 *(4) support for programs, including outreach*
14 *and education to address derelict vessels and the*
15 *threat of such vessels sinking and discharging oil and*
16 *other hazardous substances, including outreach and*
17 *education to involve efforts to the owners of such ves-*
18 *sels.*

19 *(b) AUTHORIZATION OF APPROPRIATIONS.—There are*
20 *authorized to be appropriated to the Under Secretary of*
21 *Commerce for Oceans and Atmosphere to carry out this sec-*
22 *tion, \$10,000,000 for each of fiscal years 2010 through*
23 *2014.*

1 **SEC. 706. IMPROVED COORDINATION WITH TRIBAL GOV-**
2 **ERNMENTS.**

3 (a) *IN GENERAL.*—Within 6 months after the date of
4 enactment of this Act, the Secretary of the Department in
5 which the Coast Guard is operating shall complete the devel-
6 opment of a tribal consultation policy, which recognizes and
7 protects to the maximum extent practicable tribal treaty
8 rights and trust assets in order to improve the Coast
9 Guard's consultation and coordination with the tribal gov-
10 ernments of federally recognized Indian tribes with respect
11 to oil spill prevention, preparedness, response and natural
12 resource damage assessment.

13 (b) *INCLUSION OF TRIBAL GOVERNMENT.*—The Sec-
14 retary of the Department in which the Coast Guard is oper-
15 ating shall ensure that, as soon as practicable after identi-
16 fying an oil spill that is likely to have a significant impact
17 on natural or cultural resources owned or directly utilized
18 by a federally recognized Indian tribe, the Coast Guard
19 will—

20 (1) ensure that representatives of the tribal gov-
21 ernment of the affected tribes are included as part of
22 the incident command system established by the Coast
23 Guard to respond to the spill;

24 (2) share information about the oil spill with the
25 tribal government of the affected tribe; and

1 (3) *to the extent practicable, involve tribal gov-*
2 *ernments in deciding how to respond to the spill.*

3 (c) *COOPERATIVE ARRANGEMENTS.—The Coast Guard*
4 *may enter into memoranda of agreement and associated*
5 *protocols with Indian tribal governments in order to estab-*
6 *lish cooperative arrangements for oil pollution prevention,*
7 *preparedness, and response. Such memoranda may be en-*
8 *tered into prior to the development of the tribal consultation*
9 *and coordination policy to provide Indian tribes grant and*
10 *contract assistance. Such memoranda of agreement and as-*
11 *sociated protocols with Indian tribal governments may in-*
12 *clude—*

13 (1) *arrangements for the assistance of the tribal*
14 *government to participate in the development of the*
15 *National Contingency Plan and local Area Contin-*
16 *gency Plans to the extent they affect tribal lands, cul-*
17 *tural and natural resources;*

18 (2) *arrangements for the assistance of the tribal*
19 *government to develop the capacity to implement the*
20 *National Contingency Plan and local Area Contin-*
21 *gency Plans to the extent they affect tribal lands, cul-*
22 *tural and natural resources;*

23 (3) *provisions on coordination in the event of a*
24 *spill, including agreements that representatives of the*
25 *tribal government will be included as part of the re-*

1 *gional response team co-chaired by the Coast Guard*
2 *and the Environmental Protection Agency to establish*
3 *policies for responding to oil spills;*

4 *(4) arrangements for the Coast Guard to provide*
5 *training of tribal incident commanders and spill re-*
6 *sponders for oil spill preparedness and response;*

7 *(5) demonstration projects to assist tribal gov-*
8 *ernments in building the capacity to protect tribal*
9 *treaty rights and trust assets from oil spills; and*

10 *(6) such additional measures the Coast Guard*
11 *determines to be necessary for oil pollution preven-*
12 *tion, preparedness, and response.*

13 *(d) FUNDING FOR TRIBAL PARTICIPATION.—Subject to*
14 *the availability of appropriations, the Commandant of the*
15 *Coast Guard shall provide assistance to participating tribal*
16 *governments in order to facilitate the implementation of co-*
17 *operative arrangements under subsection (c) and ensure the*
18 *participation of tribal governments in such arrangements.*
19 *There are authorized to be appropriated to the Com-*
20 *mandant \$500,000 for each of fiscal years 2010 through*
21 *2014 to be used to carry out this section.*

22 **SEC. 707. REPORT ON AVAILABILITY OF TECHNOLOGY TO**
23 **DETECT THE LOSS OF OIL.**

24 *Within 1 year after the date of enactment of this Act,*
25 *the Secretary of the Department in which the Coast Guard*

1 *is operating shall submit a report to the Senate Committee*
2 *on Commerce, Science, and Transportation and the House*
3 *of Representatives Committee on Transportation and Infra-*
4 *structure on the availability, feasibility, and potential cost*
5 *of technology to detect the loss of oil carried as cargo or*
6 *as fuel on tank and non-tank vessels greater than 400 gross*
7 *tons.*

8 **SEC. 708. USE OF OIL SPILL LIABILITY TRUST FUND.**

9 *(a) IN GENERAL.—Section 1012(a)(5) of the Oil Pollu-*
10 *tion Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—*

11 *(1) by redesignating subparagraphs (B) and (C)*
12 *as subparagraphs (C) and (D), respectively; and*

13 *(2) by inserting after subparagraph (A) the fol-*
14 *lowing:*

15 *“(B) not more than \$15,000,000 in each fis-*
16 *cal year shall be available to the Under Sec-*
17 *retary of Commerce for Oceans and Atmosphere*
18 *for expenses incurred by, and activities related*
19 *to, response and damage assessment capabilities*
20 *of the National Oceanic and Atmospheric Ad-*
21 *ministration;”.*

22 *(b) AUDITS; ANNUAL REPORTS.—Section 1012 of the*
23 *Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—*

24 *(1) by striking subsection (g) and inserting the*
25 *following:*

1 “(g) *AUDITS.*—

2 “(1) *IN GENERAL.*—*The Comptroller General of*
3 *the United States shall conduct an audit, including*
4 *a detailed accounting of each disbursement from the*
5 *Fund in excess of \$500,000 that is—*

6 “(A) *disbursed by the National Pollution*
7 *Fund Center and not reimbursed by the respon-*
8 *sible party; and*

9 “(B) *administered and managed by the re-*
10 *ceiving Federal agencies, including final pay-*
11 *ments made to agencies and contractors and, to*
12 *the extent possible, subcontractors.*

13 “(2) *FREQUENCY.*—*The audits shall be con-*
14 *ducted—*

15 “(A) *at least once every 3 years after the*
16 *date of enactment of the Coast Guard Authoriza-*
17 *tion Act of 2010 until 2016; and*

18 “(B) *at least once every 5 years after the*
19 *last audit conducted under subparagraph (A).*

20 “(3) *SUBMISSION OF RESULTS.*—*The Comp-*
21 *troller shall submit the results of each audit conducted*
22 *under paragraph (1) to—*

23 “(A) *the Senate Committee on Commerce,*
24 *Science, and Transportation;*

1 “(B) the House of Representatives Com-
2 mittee on Transportation and Infrastructure;
3 and

4 “(C) the Secretary or Administrator of each
5 agency referred to in paragraph (1)(B).”; and
6 (2) by adding at the end thereof the following:

7 “(l) *REPORTS.*—

8 “(1) *IN GENERAL.*—Within one year after the
9 date of enactment of the Coast Guard Authorization
10 Act of 2010, and annually thereafter, the President,
11 through the Secretary of the Department in which the
12 Coast Guard is operating, shall—

13 “(A) provide a report on disbursements for
14 the preceding fiscal year from the Fund, regard-
15 less of whether those disbursements were subject
16 to annual appropriations, to—

17 “(i) the Senate Committee on Com-
18 merce, Science, and Transportation; and

19 “(ii) the House of Representatives
20 Committee on Transportation and Infra-
21 structure; and

22 “(B) make the report available to the public
23 on the National Pollution Funds Center Internet
24 website.

25 “(2) *CONTENTS.*—The report shall include—

1 “(A) a list of each disbursement of \$250,000
 2 or more from the Fund during the preceding fis-
 3 cal year; and

4 “(B) a description of how each such use of
 5 the Fund meets the requirements of subsection
 6 (a).

7 “(3) AGENCY RECORDKEEPING.—Each Federal
 8 agency that receives amounts from the Fund shall
 9 maintain records describing the purposes for which
 10 such funds were obligated or expended in such detail
 11 as the Secretary may require for purposes of the re-
 12 port required under paragraph (1).”.

13 **SEC. 709. INTERNATIONAL EFFORTS ON ENFORCEMENT.**

14 *The Secretary of the department in which the Coast*
 15 *Guard is operating, in consultation with the heads of other*
 16 *appropriate Federal agencies, shall ensure that the Coast*
 17 *Guard pursues stronger enforcement in the International*
 18 *Maritime Organization of agreements related to oil dis-*
 19 *charges, including joint enforcement operations, training,*
 20 *and stronger compliance mechanisms.*

21 **SEC. 710. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.**

23 (a) *IN GENERAL.*—Within 1 year after the date of en-
 24 actment of this Act, the Commandant shall initiate a rule-
 25 making proceeding to modify the definition of the term

1 *“higher volume port area” in section 155.1020 of the Coast*
 2 *Guard regulations (33 C.F.R. 155.1020) by striking “Port*
 3 *Angeles, WA” in paragraph (13) of that section and insert-*
 4 *ing “Cape Flattery, WA”.*

5 (b) *VESSEL RESPONSE PLAN REVIEWS.*—Within 5
 6 years after the date of enactment of this Act, the Coast
 7 Guard shall complete its review of any changes to vessel
 8 response plans under the Federal Water Pollution Control
 9 Act (33 U.S.C. 1251 et seq.) resulting from the modification
 10 of the higher volume port area definition required by sub-
 11 section (a).

12 **SEC. 711. TUG ESCORTS FOR LADEN OIL TANKERS.**

13 (a) *COMPARABILITY ANALYSIS.*—

14 (1) *IN GENERAL.*—Within 1 year after the date
 15 of enactment of this Act, the Commandant, in con-
 16 sultation with the Secretary of State, is strongly en-
 17 couraged to enter into negotiations with the Govern-
 18 ment of Canada to update the comparability analysis
 19 which serves as the basis for the Cooperative Vessel
 20 Traffic Service agreement between the United States
 21 and Canada for the management of maritime traffic
 22 in Puget Sound, the Strait of Georgia, Haro Strait,
 23 Rosario Strait, and the Strait of Juan de Fuca. The
 24 updated analysis shall, at a minimum, consider—

1 (A) requirements for laden tank vessels to be
2 escorted by tug boats;

3 (B) vessel emergency response towing capa-
4 bility at the entrance to the Strait of Juan de
5 Fuca; and

6 (C) spill response capability throughout the
7 shared water, including oil spill response plan-
8 ning requirements for vessels bound for one na-
9 tion transiting through the waters of the other
10 nation.

11 (2) CONSULTATION REQUIREMENT.—In con-
12 ducting the analysis required under this subsection,
13 the Commandant shall consult with the State of
14 Washington and affected tribal governments.

15 (3) RECOMMENDATIONS.—Within 18 months
16 after the date of enactment of this Act, the Com-
17 mandant shall submit recommendations based on the
18 analysis required under this subsection to the Senate
19 Committee on Commerce, Science, and Transpor-
20 tation and the House of Representatives Committee
21 on Transportation and Infrastructure. The rec-
22 ommendations shall consider a full range of options
23 for the management of maritime traffic, including
24 Federal legislation, promulgation of Federal rules,
25 and the establishment of cooperative agreements for

1 *shared funding of spill prevention and response sys-*
 2 *tems.*

3 ***(b) DUAL ESCORT VESSELS FOR DOUBLE HULLED***
 4 ***TANKERS IN PRINCE WILLIAM SOUND, ALASKA.—***

5 ***(1) IN GENERAL.—****Section 4116(c) of the Oil*
 6 *Pollution Act of 1990 (46 U.S.C. 3703 note) is*
 7 *amended—*

8 ***(A) by striking “Not later than 6 months***
 9 *after the date of the enactment of this Act, the”*
 10 *and inserting “(1) IN GENERAL.—The”; and*

11 ***(B) by adding at the end the following:***

12 ***“(2) PRINCE WILLIAM SOUND, ALASKA.—***

13 ***“(A) IN GENERAL.—****The requirement in*
 14 *paragraph (1) relating to single hulled tankers*
 15 *in Prince William Sound, Alaska, described in*
 16 *that paragraph being escorted by at least 2 tow-*
 17 *ing vessels or other vessels considered to be ap-*
 18 *propriate by the Secretary (including regulations*
 19 *promulgated in accordance with section*
 20 *3703(a)(3) of title 46, United States Code, as set*
 21 *forth in part 168 of title 33, Code of Federal*
 22 *Regulations (as in effect on March 1, 2009) im-*
 23 *plementing this subsection with respect to those*
 24 *tankers) shall apply to double hulled tankers over*

1 5,000 gross tons transporting oil in bulk in
2 Prince William Sound, Alaska.

3 “(B) IMPLEMENTATION OF REQUIRE-
4 MENTS.—The Secretary of the department in
5 which the Coast Guard is operating shall pre-
6 scribe interim final regulations to carry out sub-
7 paragraph (A) as soon as practicable without
8 notice and hearing pursuant to section 553 of
9 title 5 of the United States Code.”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by subsection (b) take effect on the date that is 90
12 days after the date of enactment of this Act.

13 (c) PRESERVATION OF STATE AUTHORITY.—Nothing
14 in this Act or in any other provision of Federal law related
15 to the regulation of maritime transportation of oil shall af-
16 fect, or be construed or interpreted as preempting, the au-
17 thority of any State or political subdivision thereof which
18 require the escort by one or more tugs of laden oil tankers
19 in the areas which are specified in section 4116(c) of the
20 Oil Pollution Act of 1990 (46 U.S.C. 3703 note).

21 (d) VESSEL TRAFFIC RISK ASSESSMENT.—

22 (1) REQUIREMENT.—The Commandant of the
23 Coast Guard, acting through the appropriate Area
24 Committee established under section 311(j)(4) of the
25 Federal Water Pollution Control Act, shall prepare a

1 *vessel traffic risk assessment for Cook Inlet, Alaska,*
2 *within 1 year after the date of enactment of this Act.*

3 (2) *CONTENTS.—The assessment shall describe,*
4 *for the region covered by the assessment—*

5 (A) *the amount and character of present*
6 *and estimated future shipping traffic in the re-*
7 *gion; and*

8 (B) *the current and projected use and effec-*
9 *tiveness in reducing risk, of—*

10 (i) *traffic separation schemes and rout-*
11 *ing measures;*

12 (ii) *long-range vessel tracking systems*
13 *developed under section 70115 of title 46,*
14 *United States Code;*

15 (iii) *towing, response, or escort tugs;*

16 (iv) *vessel traffic services;*

17 (v) *emergency towing packages on ves-*
18 *sels;*

19 (vi) *increased spill response equipment*
20 *including equipment appropriate for severe*
21 *weather and sea conditions;*

22 (vii) *the Automatic Identification Sys-*
23 *tem developed under section 70114 of title*
24 *46, United States Code;*

1 (viii) particularly sensitive sea areas,
2 areas to be avoided, and other traffic exclu-
3 sion zones;

4 (ix) aids to navigation; and

5 (x) vessel response plans.

6 (3) *RECOMMENDATIONS.*—

7 (A) *IN GENERAL.*—*The assessment shall in-*
8 *clude any appropriate recommendations to en-*
9 *hance the safety, or lessen potential adverse envi-*
10 *ronmental impacts, of marine shipping.*

11 (B) *CONSULTATION.*—*Before making any*
12 *recommendations under paragraph (1) for a re-*
13 *gion, the Area Committee shall consult with af-*
14 *ected local, State, and Federal government agen-*
15 *cies, representatives of the fishing industry, Alas-*
16 *ka Natives from the region, the conservation*
17 *community, and the merchant shipping and oil*
18 *transportation industries.*

19 (4) *PROVISION TO CONGRESS.*—*The Com-*
20 *mandant shall provide a copy of the assessment to the*
21 *Committee on Transportation and Infrastructure of*
22 *the House of Representatives and the Committee on*
23 *Commerce, Science, and Transportation of the Senate.*

1 **SEC. 712. EXTENSION OF FINANCIAL RESPONSIBILITY.**

2 *Section 1016(a) of the Oil Pollution Act of 1990 (33*
 3 *U.S.C. 2716(a)) is amended—*

4 *(1) by striking “or” after the semicolon in para-*
 5 *graph (1);*

6 *(2) by inserting “or” after the semicolon in*
 7 *paragraph (2); and*

8 *(3) by inserting after paragraph (2) the fol-*
 9 *lowing:*

10 *“(3) any tank vessel over 100 gross tons using*
 11 *any place subject to the jurisdiction of the United*
 12 *States;”.*

13 **SEC. 713. LIABILITY FOR USE OF SINGLE-HULL VESSELS.**

14 *Section 1001(32)(A) of the Oil Pollution Act of 1990*
 15 *(33 U.S.C. 2701(32)(A)) is amended by inserting “In the*
 16 *case of a vessel, the term ‘responsible party’ also includes*
 17 *the owner of oil being transported in a tank vessel with*
 18 *a single hull after December 31, 2010 (other than a vessel*
 19 *described in section 3703a(b)(3) of title 46, United States*
 20 *Code).” after “vessel.”.*

21 ***TITLE VIII—PORT SECURITY***

22 **SEC. 801. AMERICA’S WATERWAY WATCH PROGRAM.**

23 *(a) IN GENERAL.—Chapter 701 of title 46, United*
 24 *States Code, is amended by adding at the end thereof the*
 25 *following:*

1 **“§ 70122. Waterway watch program**

2 “(a) *PROGRAM ESTABLISHED.*—*There is hereby estab-*
3 *lished, within the Coast Guard, the America’s Waterway*
4 *Watch Program.*

5 “(b) *PURPOSE.*—*The Secretary shall administer the*
6 *Program in a manner that promotes voluntary reporting*
7 *of activities that may indicate that a person or persons may*
8 *be preparing to engage or engaging in a violation of law*
9 *relating to a threat or an act of terrorism (as that term*
10 *is defined in section 3077 of title 18) against a vessel, facil-*
11 *ity, port, or waterway.*

12 “(c) *INFORMATION; TRAINING.*—

13 “(1) *INFORMATION.*—*The Secretary may estab-*
14 *lish, as an element of the Program, a network of indi-*
15 *viduals and community-based organizations that en-*
16 *courage the public and industry to recognize activities*
17 *referred to in subsection (b), promote voluntary re-*
18 *porting of such activity, and enhance the situational*
19 *awareness within the Nation’s ports and waterways.*
20 *Such network shall, to the extent practicable, be con-*
21 *ducted in cooperation with Federal, State, and local*
22 *law enforcement agencies.*

23 “(2) *TRAINING.*—*The Secretary may provide*
24 *training in—*

25 “(A) *observing and reporting on covered ac-*
26 *tivities; and*

1 “(B) *sharing such reports and coordinating*
2 *the response by Federal, State, and local law en-*
3 *forcement agencies.*

4 “(d) *VOLUNTARY PARTICIPATION.—Participation in*
5 *the Program—*

6 “(1) *shall be wholly voluntary;*

7 “(2) *shall not be a prerequisite to eligibility for,*
8 *or receipt of, any other service or assistance from, or*
9 *to participation in, any other program of any kind;*
10 *and*

11 “(3) *shall not require disclosure of information*
12 *regarding the individual reporting covered activities*
13 *or, for proprietary purposes, the location of such indi-*
14 *vidual.*

15 “(e) *COORDINATION.—The Secretary shall coordinate*
16 *the Program with other like watch programs. The Secretary*
17 *shall submit, concurrent with the President’s budget sub-*
18 *mission for each fiscal year, a report on coordination of*
19 *the Program and like watch programs within the Depart-*
20 *ment of Homeland Security to the Committee on Commerce,*
21 *Science, and Transportation of the Senate and the Com-*
22 *mittee on Homeland Security of the House of Representa-*
23 *tives.*

24 “(f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
25 *authorized to be appropriated for the purposes of this sec-*

tion \$3,000,000 for each of fiscal years 2011 through 2016.
Such funds shall remain available until expended.”.

(b) *CLERICAL AMENDMENT.*—The table of contents for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70121 the following:

“70122. Waterway watch program.”.

**SEC. 802. TRANSPORTATION WORKER IDENTIFICATION
CREDENTIAL.**

(a) *IN GENERAL.*—Not later than 120 days after completing the pilot program under section 70105(k)(1) of title 46, United States Code, to test TWIC access control technologies at port facilities and vessels nationwide, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and to the Comptroller General a report containing an assessment of the results of the pilot. The report shall include—

(1) the findings of the pilot program with respect to key technical and operational aspects of implementing TWIC technologies in the maritime sector;

(2) a comprehensive listing of the extent to which established metrics were achieved during the pilot program; and

1 (3) *an analysis of the viability of those tech-*
 2 *nologies for use in the maritime environment, includ-*
 3 *ing any challenges to implementing those technologies*
 4 *and strategies for mitigating identified challenges.*

5 (b) *GAO ASSESSMENT.—The Comptroller General*
 6 *shall review the report and submit to the Committee on*
 7 *Homeland Security and the Committee on Transportation*
 8 *and Infrastructure of the House of Representatives, and the*
 9 *Committee on Commerce, Science, and Transportation of*
 10 *the Senate an assessment of the report’s findings and rec-*
 11 *ommendations.*

12 **SEC. 803. INTERAGENCY OPERATIONAL CENTERS FOR PORT**
 13 **SECURITY.**

14 *Section 70107A(b) of title 46, United States Code, is*
 15 *amended—*

16 (1) *by striking paragraph (3);*

17 (2) *by redesignating paragraphs (1) and (2) as*
 18 *paragraphs (2) and (3), respectively;*

19 (3) *by inserting before paragraph (2), as so re-*
 20 *designated, the following:*

21 “(1)(A) *include—*

22 “(i) *information management systems, and*

23 “(ii) *sensor management systems; and*

24 “(B) *where practicable, provide for the physical*
 25 *co-location of the Coast Guard and, as the Secretary*

1 *determines appropriate, representatives of the United*
 2 *States Customs and Border Protection, the United*
 3 *States Immigration and Customs Enforcement, the*
 4 *Transportation Security Administration, the Depart-*
 5 *ment of Justice, the Department of Defense, and other*
 6 *Federal agencies, State and local law enforcement or*
 7 *port security personnel, members of the Area Mari-*
 8 *time Security Committee, and other public and pri-*
 9 *vate sector stakeholders adversely affected by a trans-*
 10 *portation security incident or transportation disrup-*
 11 *tion;”;* and

12 (4) in paragraph (2), as so redesignated—

13 (A) by striking “existing centers, includ-

14 ing—” and inserting “existing centers;”;

15 (B) by striking subparagraph (A) and (B);

16 and

17 (5) by adding “and” at the end of paragraph

18 (3), as so redesignated.

19 **SEC. 804. DEPLOYABLE, SPECIALIZED FORCES.**

20 (a) *IN GENERAL.*—Section 70106 of title 46, United

21 States Code, is amended to read as follows:

22 **“§ 70106. Deployable, specialized forces**

23 **“(a) ESTABLISHMENT.—**

24 **“(1) IN GENERAL.—**To enhance the domestic

25 **maritime security capability of the United States, the**

1 *Secretary shall establish deployable specialized forces*
2 *of varying capabilities as are needed to safeguard the*
3 *public and protect vessels, harbors, ports, facilities,*
4 *and cargo in waters subject to the jurisdiction of the*
5 *United States from destruction, loss or injury from*
6 *crime, or sabotage due to terrorist activity, and to re-*
7 *spond to such activity in accordance with the trans-*
8 *portation security plans developed under section*
9 *70103.*

10 *“(2) ENHANCED TEAMS.—Such specialized forces*
11 *shall include no less than two enhanced teams to serve*
12 *as deployable forces capable of combating terrorism,*
13 *engaging in interdiction, law enforcement, and ad-*
14 *vanced tactical maritime security operations to ad-*
15 *dress known or potentially armed security threats (in-*
16 *cluding non-compliant actors at sea), and partici-*
17 *pating in homeland security, homeland defense, and*
18 *counterterrorism exercises in the maritime environ-*
19 *ment.*

20 *“(b) MISSION.—The combined force of the specialized*
21 *forces established under subsection (a) shall be trained,*
22 *equipped, and capable of being deployed to—*

23 *“(1) deter, protect against, and rapidly respond*
24 *to threats of maritime terrorism;*

1 “(2) conduct maritime operations to protect
2 against and disrupt illegal use, access to, or prolifera-
3 tion of weapons of mass destruction;

4 “(3) enforce moving or fixed safety or security
5 zones established pursuant to law;

6 “(4) conduct high speed intercepts;

7 “(5) board, search, and seize any article or thing
8 on or at, respectively, a vessel or facility found to
9 present a risk to the vessel or facility, or to a port;

10 “(6) rapidly deploy to supplement United States
11 armed forces domestically or overseas;

12 “(7) respond to criminal or terrorist acts so as
13 to minimize, insofar as possible, the disruption
14 caused by such acts;

15 “(8) assist with facility vulnerability assessments
16 required under this chapter; and

17 “(9) carry out any other missions of the Coast
18 Guard as are assigned to it by the Secretary.

19 “(c) *MINIMIZATION OF RESPONSE TIMES.*—The en-
20 hanced teams established under subsection (a)(2) shall, to
21 the extent practicable, be stationed in such a way so as to
22 minimize the response time to maritime terrorist threats
23 and potential or actual transportation security incidents.

24 “(d) *COORDINATION WITH OTHER AGENCIES.*—To the
25 maximum extent feasible, the combined force of the special-

1 ized forces established under subsection (a) shall coordinate
 2 their activities with other Federal, State, and local law en-
 3 forcement and emergency response agencies.”.

4 (b) *CLERICAL AMENDMENT.*—The table of contents for
 5 chapter 701 of title 46, United States Code, is amended by
 6 striking the item relating to section 70106 and inserting
 7 the following:

“70106. Deployable, specialized forces.”.

8 **SEC. 805. COAST GUARD DETECTION CANINE TEAM PRO-**
 9 **GRAM EXPANSION.**

10 (a) *DEFINITIONS.*—For purposes of this section:

11 (1) *CANINE DETECTION TEAM.*—The term “detection
 12 canine team” means a canine and a canine han-
 13 dler that are trained to detect narcotics or explosives,
 14 or other threats as defined by the Secretary.

15 (2) *SECRETARY.*—The term “Secretary” means
 16 the Secretary of Homeland Security.

17 (b) *DETECTION CANINE TEAMS.*—

18 (1) *INCREASED CAPACITY.*—Not later than 1
 19 year after the date of enactment of this Act, and sub-
 20 ject to the availability of appropriations, the Sec-
 21 retary shall—

22 (A) begin to increase the number of detec-
 23 tion canine teams certified by the Coast Guard
 24 for the purposes of maritime-related security by

1 *no fewer than 10 canine teams annually through*
 2 *fiscal year 2012; and*

3 *(B) encourage owners and operators of port*
 4 *facilities, passenger cruise liners, oceangoing*
 5 *cargo vessels, and other vessels identified by the*
 6 *Secretary to strengthen security through the use*
 7 *of highly trained detection canine teams.*

8 *(2) CANINE PROCUREMENT.—The Secretary, act-*
 9 *ing through the Commandant of the Coast Guard,*
 10 *shall procure detection canine teams as efficiently as*
 11 *possible, including, to the greatest extent possible,*
 12 *through increased domestic breeding, while meeting*
 13 *the performance needs and criteria established by the*
 14 *Commandant.*

15 *(c) DEPLOYMENT.—The Secretary shall prioritize de-*
 16 *ployment of the additional canine teams to ports based on*
 17 *risk, consistent with the Security and Accountability For*
 18 *Every Port Act of 2006 (Public Law 109–347).*

19 **SEC. 806. COAST GUARD PORT ASSISTANCE PROGRAM.**

20 *(a) FOREIGN PORT ASSESSMENT.—Chapter 701 of*
 21 *title 46, United States Code, is amended—*

22 *(1) by adding at the end of section 70108 the fol-*
 23 *lowing:*

24 *“(e) LIMITATION ON STATUTORY CONSTRUCTION.—*
 25 *The absence of an inspection of a foreign port shall not bar*

1 *the Secretary from making a finding that a port in a for-*
 2 *ign country does not maintain effective antiterrorism*
 3 *measures.”;*

4 (2) *by striking “If the Secretary, after con-*
 5 *ducting an assessment under section 70108, finds that*
 6 *a port in a foreign country does not maintain effec-*
 7 *tive antiterrorism measures,” in section 70109(a) and*
 8 *inserting “Unless the Secretary finds that a port in*
 9 *a foreign country maintains effective antiterrorism*
 10 *measures,”; and*

11 (3) *by striking “If the Secretary finds that a for-*
 12 *ign port does not maintain effective antiterrorism*
 13 *measures,” in section 70110(a) and inserting “Unless*
 14 *the Secretary finds that a foreign port maintains ef-*
 15 *fective antiterrorism measures,”.*

16 (b) *ASSISTANCE PROGRAM.—Section 70110 of title 46,*
 17 *United States Code, is amended by adding at the end the*
 18 *following:*

19 “(f) *COAST GUARD ASSISTANCE PROGRAM.—*

20 “(1) *IN GENERAL.—The Secretary may lend,*
 21 *lease, donate, or otherwise provide equipment, and*
 22 *provide technical training and support, to the owner*
 23 *or operator of a foreign port or facility—*

24 “(A) *to assist in bringing the port or facil-*
 25 *ity into compliance with applicable Inter-*

1 *national Ship and Port Facility Code standards;*
2 *and*

3 “(B) *to assist the port or facility in cor-*
4 *recting deficiencies identified in periodic port as-*
5 *sessments and reassessments required under sec-*
6 *tion 70108 of this title.*

7 “(2) *CONDITIONS.—The Secretary—*

8 “(A) *may provide such assistance based*
9 *upon an assessment of the risks to the security*
10 *of the United States and the inability of the*
11 *owner or operator of the port or facility to bring*
12 *the port or facility into compliance with those*
13 *standards and to maintain compliance with, or*
14 *exceed, such standards;*

15 “(B) *may not provide such assistance unless*
16 *the port or facility has been subjected to a com-*
17 *prehensive port security assessment by the Coast*
18 *Guard; and*

19 “(C) *may only lend, lease, or otherwise pro-*
20 *vide equipment that the Secretary has first deter-*
21 *mined is not required by the Coast Guard for the*
22 *performance of its missions.”.*

23 *(c) SAFETY AND SECURITY ASSISTANCE FOR FOREIGN*
24 *PORTS.—*

1 (1) *IN GENERAL.*—Section 70110(e)(1) of title
 2 46, United States Code, is amended by striking the
 3 second sentence and inserting the following: “The Sec-
 4 retary shall establish a strategic plan to utilize those
 5 assistance programs to assist ports and facilities that
 6 are found by the Secretary under subsection (a) not
 7 to maintain effective antiterrorism measures in the
 8 implementation of port security antiterrorism meas-
 9 ures.”.

10 (2) *CONFORMING AMENDMENTS.*—

11 (A) Section 70110 of title 46, United States
 12 Code, is amended—

13 (i) by inserting “**OR FACILITIES**”
 14 after “**PORTS**” in the section heading;

15 (ii) by inserting “or facility” after
 16 “port” each place it appears; and

17 (iii) by striking “PORTS” in the head-
 18 ing for subsection (e) and inserting “PORTS,
 19 FACILITIES,”.

20 (B) Section 70108(c) of such title is amend-
 21 ed—

22 (i) by striking paragraph (2); and

23 (ii) by redesignating paragraphs (3)
 24 and (4) as paragraphs (2) and (3), respec-
 25 tively.

1 (C) *The table of contents for chapter 701 of*
 2 *title 46, United States Code, is amended by*
 3 *striking the item relating to section 70110 and*
 4 *inserting the following:*

“70110. Actions and assistance for foreign ports or facilities and United States territories.”.

5 **SEC. 807. MARITIME BIOMETRIC IDENTIFICATION.**

6 (a) *IN GENERAL.*—Chapter 701 of title 46, United
 7 States Code, is further amended by adding at the end the
 8 following:

9 **“§ 70123. Mobile biometric identification**

10 “(a) *IN GENERAL.*—Within one year after the date of
 11 the enactment of the Coast Guard Authorization Act of
 12 2010, the Secretary shall conduct, in the maritime environ-
 13 ment, a program for the mobile biometric identification of
 14 suspected individuals, including terrorists, to enhance bor-
 15 der security and for other purposes.

16 “(b) *REQUIREMENTS.*—The Secretary shall ensure the
 17 program required in this section is coordinated with other
 18 biometric identification programs within the Department
 19 of Homeland Security.

20 “(c) *DEFINITION.*—For the purposes of this section, the
 21 term ‘biometric identification’ means use of fingerprint and
 22 digital photography images and facial and iris scan tech-
 23 nology and any other technology considered applicable by
 24 the Department of Homeland Security.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of such chapter is amended by adding at the*
3 *end the following:*

“70123. Mobile biometric identification.”.

4 (c) *COST ANALYSIS.*—*Within 90 days after the date*
5 *of the enactment of this Act, the Secretary of the department*
6 *in which the Coast Guard is operating shall submit to the*
7 *Committees on Homeland Security and Transportation and*
8 *Infrastructure of the House of Representatives and the Com-*
9 *mittee on Commerce, Science, and Transportation of the*
10 *Senate an analysis of the cost of expanding the Coast*
11 *Guard’s biometric identification capabilities for use by the*
12 *Coast Guard’s Deployable Operations Group, cutters, sta-*
13 *tions, and other deployable maritime teams considered ap-*
14 *propriate by the Secretary, and any other appropriate De-*
15 *partment of Homeland Security maritime vessels and units.*
16 *The analysis may include a tiered plan for the deployment*
17 *of this program that gives priority to vessels and units more*
18 *likely to encounter individuals suspected of making illegal*
19 *border crossings through the maritime environment.*

20 (d) *STUDY ON EMERGING BIOMETRIC CAPABILI-*
21 *TIES.*—

22 (1) *STUDY REQUIRED.*—*The Secretary of Home-*
23 *land Security shall submit to the Committees on*
24 *Homeland Security and Transportation and Infra-*
25 *structure of the House of Representatives and the*

1 *Committee on Commerce, Science, and Transpor-*
2 *tation of the Senate a study on the use by the Coast*
3 *Guard and other departmental entities of the com-*
4 *bination of biometric technologies to rapidly identify*
5 *individuals for security purposes. Such study shall*
6 *focus on—*

7 *(A) increased accuracy of facial recognition;*

8 *(B) enhancement of existing iris recognition*
9 *technology; and*

10 *(C) other emerging biometric technologies*
11 *capable of assisting in confirming the identifica-*
12 *tion of individuals.*

13 *(2) PURPOSE OF STUDY.—The purpose of the*
14 *study required by paragraph (1) is to facilitate the*
15 *use of a combination biometrics, including facial and*
16 *iris recognition, to provide a higher probability of*
17 *success in identification than a single approach and*
18 *to achieve transformational advances in the flexi-*
19 *bility, authenticity, and overall capability of inte-*
20 *grated biometric detectors. The operational goal of the*
21 *study should be to provide the capability to nonintru-*
22 *sively collect biometrics in an accurate and expedi-*
23 *tious manner to assist the Coast Guard and the De-*
24 *partment of Homeland Security in fulfilling its mis-*
25 *sion to protect and support national security.*

1 **SEC. 808. PILOT PROGRAM FOR FINGERPRINTING OF MARI-**
2 **TIME WORKERS.**

3 (a) *IN GENERAL.*—Within 180 days after the date of
4 enactment of this Act, the Secretary of Homeland Security
5 shall establish procedures providing for an individual who
6 is required to be fingerprinted for purposes of obtaining a
7 transportation security card under section 70105 of title 46,
8 United States Code, the ability to be fingerprinted at any
9 of not less than 20 facilities operated by or under contract
10 with an agency of the Department of Homeland Security
11 that fingerprints the public for the Department. These fa-
12 cilities shall be in addition to facilities established under
13 section 70105 of title 46, United States Code.

14 (b) *EXPIRATION.*—The requirement made by sub-
15 section (a) expires 1 year after the date the Secretary estab-
16 lishes the facilities required under that subsection.

17 **SEC. 809. TRANSPORTATION SECURITY CARDS ON VESSELS.**

18 Section 70105(b)(2) of title 46, United States Code, is
19 amended—

20 (1) in subparagraph (B), by inserting after
21 “title” the following: “allowed unescorted access to a
22 secure area designated in a vessel security plan ap-
23 proved under section 70103 of this title”; and

24 (2) in subparagraph (D), by inserting after
25 “tank vessel” the following: “allowed unescorted access

1 to a secure area designated in a vessel security plan
2 approved under section 70103 of this title”.

3 **SEC. 810. MARITIME SECURITY ADVISORY COMMITTEES.**

4 Section 70112 of title 46, United States Code, is
5 amended—

6 (1) by amending subsection (b)(5) to read as fol-
7 lows:

8 “(5)(A) *The National Maritime Security Advisory*
9 *Committee shall be composed of—*

10 “(i) *at least 1 individual who represents the in-*
11 *terests of the port authorities;*

12 “(ii) *at least 1 individual who represents the in-*
13 *terests of the facilities owners or operators;*

14 “(iii) *at least 1 individual who represents the*
15 *interests of the terminal owners or operators;*

16 “(iv) *at least 1 individual who represents the in-*
17 *terests of the vessel owners or operators;*

18 “(v) *at least 1 individual who represents the in-*
19 *terests of the maritime labor organizations;*

20 “(vi) *at least 1 individual who represents the in-*
21 *terests of the academic community;*

22 “(vii) *at least 1 individual who represents the*
23 *interests of State or local governments; and*

24 “(viii) *at least 1 individual who represents the*
25 *interests of the maritime industry.*

1 “(B) *Each Area Maritime Security Advisory Com-*
 2 *mittee shall be composed of individuals who represents the*
 3 *interests of the port industry, terminal operators, port labor*
 4 *organizations, and other users of the port areas.”; and*

5 (2) *in subsection (g)—*

6 (A) *in paragraph (1)(A), by striking*
 7 *“2008;” and inserting “2020;”; and*

8 (B) *in paragraph (2), by striking “2006”*
 9 *and inserting “2018”.*

10 **SEC. 811. SEAMEN’S SHORESIDE ACCESS.**

11 *Each facility security plan approved under section*
 12 *70103(c) of title 46, United States Code, shall provide a*
 13 *system for seamen assigned to a vessel at that facility, pi-*
 14 *lots, and representatives of seamen’s welfare and labor orga-*
 15 *nizations to board and depart the vessel through the facility*
 16 *in a timely manner at no cost to the individual.*

17 **SEC. 812. WATERSIDE SECURITY OF ESPECIALLY HAZ-**
 18 **ARDOUS CARGO.**

19 (a) *NATIONAL STUDY.—*

20 (1) *IN GENERAL.—The Secretary of the depart-*
 21 *ment in which the Coast Guard is operating shall—*

22 (A) *initiate a national study to identify*
 23 *measures to improve the security of maritime*
 24 *transportation of especially hazardous cargo;*
 25 *and*

1 (B) coordinate with other Federal agencies,
2 the National Maritime Security Advisory Com-
3 mittee, and appropriate State and local govern-
4 ment officials through the Area Maritime Secu-
5 rity Committees and other existing coordinating
6 committees, to evaluate the waterside security of
7 vessels carrying, and waterfront facilities han-
8 dling, especially hazardous cargo.

9 (2) *MATTERS TO BE INCLUDED.*—The study con-
10 ducted under this subsection shall include—

11 (A) an analysis of existing risk assessment
12 information relating to waterside security gen-
13 erated by the Coast Guard and Area Maritime
14 Security Committees as part of the Maritime Se-
15 curity Risk Analysis Model;

16 (B) a review and analysis of appropriate
17 roles and responsibilities of maritime stake-
18 holders, including Federal, State, and local law
19 enforcement and industry security personnel, re-
20 sponsible for waterside security of vessels car-
21 rying, and waterfront facilities handling, espe-
22 cially hazardous cargo, including—

23 (i) the number of ports in which State
24 and local law enforcement entities are pro-
25 viding any services to enforce Coast Guard-

1 *imposed security zones around vessels*
2 *transiting to, through, or from United*
3 *States ports or to conduct security patrols*
4 *in United States ports;*

5 *(ii) the number of formal agreements*
6 *entered into between the Coast Guard and*
7 *State and local law enforcement entities to*
8 *engage State and local law enforcement en-*
9 *tities in the enforcement of Coast Guard-im-*
10 *posed security zones around vessels*
11 *transiting to, through, or from United*
12 *States ports or the conduct of port security*
13 *patrols in United States ports, the duration*
14 *of those agreements, and the aid that State*
15 *and local entities are engaged to provide*
16 *through such agreements;*

17 *(iii) the extent to which the Coast*
18 *Guard has set national standards for train-*
19 *ing, equipment, and resources to ensure that*
20 *State and local law enforcement entities en-*
21 *gaged in enforcing Coast Guard-imposed se-*
22 *curity zones around vessels transiting to,*
23 *through, or from United States ports or in*
24 *conducting port security patrols in United*
25 *States ports (or both) can deter to the max-*

1 *imum extent practicable a transportation*
2 *security incident;*

3 *(iv) the extent to which the Coast*
4 *Guard has assessed the ability of State and*
5 *local law enforcement entities to carry out*
6 *the security assignments that they have been*
7 *engaged to perform, including their ability*
8 *to meet any national standards for train-*
9 *ing, equipment, and resources that have*
10 *been established by the Coast Guard in*
11 *order to ensure that those entities can deter*
12 *to the maximum extent practicable a trans-*
13 *portation security incident;*

14 *(v) the extent to which State and local*
15 *law enforcement entities are able to meet*
16 *national standards for training, equipment,*
17 *and resources established by the Coast*
18 *Guard to ensure that those entities can*
19 *deter to the maximum extent practicable a*
20 *transportation security incident;*

21 *(vi) the differences in law enforcement*
22 *authority, and particularly boarding au-*
23 *thority, between the Coast Guard and State*
24 *and local law enforcement entities, and the*
25 *impact that these differences have on the*

1 ability of State and local law enforcement
2 entities to provide the same level of security
3 that the Coast Guard provides during the
4 enforcement of Coast Guard-imposed secu-
5 rity zones and the conduct of security pa-
6 trols in United States ports; and

7 (vii) the extent of resource, training,
8 and equipment differences between State
9 and local law enforcement entities and the
10 Coast Guard units engaged in enforcing
11 Coast Guard-imposed security zones around
12 vessels transiting to, through, or from
13 United States ports or conducting security
14 patrols in United States ports;

15 (C) recommendations for risk-based security
16 measures to improve waterside security of vessels
17 carrying, and waterfront facilities handling, es-
18 pecially hazardous cargo; and

19 (D) identification of security funding alter-
20 natives, including an analysis of the potential
21 for cost-sharing by the public and private sectors
22 as well as any challenges associated with such
23 cost-sharing.

24 (3) *INFORMATION PROTECTION.*—In carrying out
25 the coordination necessary to effectively complete the

1 study, the Commandant shall implement measures to
2 ensure the protection of any sensitive security infor-
3 mation, proprietary information, or classified infor-
4 mation collected, reviewed, or shared during collabo-
5 rative engagement with maritime stakeholders and
6 other Government entities, except that nothing in this
7 paragraph shall constitute authority to withhold in-
8 formation from—

9 (A) the Congress; or

10 (B) first responders requiring such informa-
11 tion for the protection of life or property.

12 (4) *REPORT.*—Not later than 12 months after the
13 date of enactment of this Act, the Secretary of the De-
14 partment in which the Coast Guard is operating shall
15 submit to the Committees on Homeland Security and
16 Transportation and Infrastructure of the House of
17 Representatives and the Committee on Commerce,
18 Science, and Transportation of the Senate a report on
19 the results of the study under this subsection.

20 (b) *NATIONAL STRATEGY.*—Not later than 6 months
21 after submission of the report required by subsection (a),
22 the Secretary of the department in which the Coast Guard
23 is operating shall develop, in conjunction with appropriate
24 Federal agencies, a national strategy for the waterside secu-
25 rity of vessels carrying, and waterfront facilities handling,

1 *especially hazardous cargo. The strategy shall utilize the re-*
 2 *sults of the study required by subsection (a).*

3 *(c) SECURITY OF ESPECIALLY HAZARDOUS CARGO.—*
 4 *Section 70103 of title 46, United States Code, is amended*
 5 *by adding at the end the following:*

6 *“(e) ESPECIALLY HAZARDOUS CARGO.—*

7 *“(1) ENFORCEMENT OF SECURITY ZONES.—Con-*
 8 *sistent with other provisions of Federal law, the Coast*
 9 *Guard shall coordinate and be responsible for the en-*
 10 *forcement of any Federal security zone established by*
 11 *the Coast Guard around a vessel containing especially*
 12 *hazardous cargo. The Coast Guard shall allocate*
 13 *available resources so as to deter and respond to a*
 14 *transportation security incident, to the maximum ex-*
 15 *tent practicable, and to protect lives or protect prop-*
 16 *erty in danger.*

17 *“(2) RESOURCE DEFICIENCY REPORTING.—*

18 *“(A) IN GENERAL.—When the Secretary*
 19 *submits the annual budget request for a fiscal*
 20 *year for the department in which the Coast*
 21 *Guard is operating to the Office of Management*
 22 *and Budget, the Secretary shall provide to the*
 23 *Committees on Homeland Security and Trans-*
 24 *portation and Infrastructure of the House of*
 25 *Representatives and the Committee on Com-*

merce, Science, and Transportation of the Senate
a report that includes—

“(i) for the last full fiscal year preceding the report, a statement of the number of security zones established for especially hazardous cargo shipments;

“(ii) for the last full fiscal year preceding the report, a statement of the number of especially hazardous cargo shipments provided a waterborne security escort, subdivided by Federal, State, local, or private security; and

“(iii) an assessment as to any additional vessels, personnel, infrastructure, and other resources necessary to provide waterborne escorts to those especially hazardous cargo shipments for which a security zone is established.

“(B) *ESPECIALLY HAZARDOUS CARGO DEFINED.*—In this subsection, the term ‘especially hazardous cargo’ means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance, material, or group or class of material, in a particular amount and form that the Sec-

1 retary determines by regulation poses a signifi-
2 cant risk of creating a transportation security
3 incident while being transported in maritime
4 commerce.”.

5 (d) *DEFINITIONS.*—For the purposes of this section, the
6 follow definitions apply:

7 (1) *ESPECIALLY HAZARDOUS CARGO.*—The term
8 “especially hazardous cargo” means anhydrous am-
9 monia, ammonium nitrate, chlorine, liquefied natural
10 gas, liquefied petroleum gas, and any other sub-
11 stance, material, or group or class of material, in a
12 particular amount and form that the Secretary deter-
13 mines by regulation poses a significant risk of cre-
14 ating a transportation security incident while being
15 transported in maritime commerce.

16 (2) *AREA MARITIME SECURITY COMMITTEE.*—
17 The term “Area Maritime Security Committee”
18 means each of those committees responsible for pro-
19 ducing Area Maritime Transportation Security Plans
20 under chapter 701 of title 46, United States Code.

21 (3) *TRANSPORTATION SECURITY INCIDENT.*—The
22 term “transportation security incident” has the same
23 meaning as that term has in section 70101 of title 46,
24 United States Code.

1 **SEC. 813. REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.**

2 *Consistent with other provisions of law, the Secretary*
3 *of the department in which the Coast Guard is operating*
4 *shall make a recommendation, after considering rec-*
5 *ommendations made by the States, to the Federal Energy*
6 *Regulatory Commission as to whether the waterway to a*
7 *proposed waterside liquefied natural gas facility is suitable*
8 *or unsuitable for the marine traffic associated with such*
9 *facility.*

10 **SEC. 814. USE OF SECONDARY AUTHENTICATION FOR**
11 **TRANSPORTATION SECURITY CARDS.**

12 *Section 70105 of title 46, United States Code, is*
13 *amended by adding at the end the following new subsection:*

14 *“(n) The Secretary may use a secondary authentica-*
15 *tion system to verify the identification of individuals using*
16 *transportation security cards when the individual’s finger-*
17 *prints are not able to be taken or read.”.*

18 **SEC. 815. ASSESSMENT OF TRANSPORTATION SECURITY**
19 **CARD ENROLLMENT SITES.**

20 *(a) IN GENERAL.—Not later than 180 days after the*
21 *date of the enactment of this Act, the Secretary of the de-*
22 *partment in which the Coast Guard is operating shall pre-*
23 *pare an assessment of the enrollment sites for transpor-*
24 *tation security cards issued under section 70105 of title 46,*
25 *United States Code, including—*

1 (1) *the feasibility of keeping those enrollment*
 2 *sites open after the date of enactment of this Act; and*

3 (2) *the quality of customer service, including the*
 4 *periods of time individuals are kept on hold on the*
 5 *telephone, whether appointments are kept, and proc-*
 6 *essing times for applications.*

7 (b) *TIMELINES AND BENCHMARKS.—The Secretary*
 8 *shall develop timelines and benchmarks for implementing*
 9 *the findings of the assessment as the Secretary deems nec-*
 10 *essary.*

11 **SEC. 816. ASSESSMENT OF THE FEASIBILITY OF EFFORTS**
 12 **TO MITIGATE THE THREAT OF SMALL BOAT**
 13 **ATTACK IN MAJOR PORTS.**

14 *The Secretary of the department in which the Coast*
 15 *Guard is operating shall assess and report to Congress on*
 16 *the feasibility of efforts to mitigate the threat of small boat*
 17 *attack in security zones of major ports, including specifi-*
 18 *cally the use of transponders, radio frequency identification*
 19 *devices, and high-frequency surface radar systems to track*
 20 *small boats.*

21 **SEC. 817. REPORT AND RECOMMENDATION FOR UNIFORM**
 22 **SECURITY BACKGROUND CHECKS.**

23 *Not later than 1 year after the date of enactment of*
 24 *this Act, the Comptroller General shall submit to the Com-*
 25 *mittee on Homeland Security of the House of Representa-*

1 *tives and the Committee on Commerce, Science, and Trans-*
 2 *portation of the Senate a report that contains—*

3 *(1) a review of background checks and forms of*
 4 *identification required under State and local trans-*
 5 *portation security programs;*

6 *(2) a determination as to whether the back-*
 7 *ground checks and forms of identification required*
 8 *under such programs duplicate or conflict with Fed-*
 9 *eral programs; and*

10 *(3) recommendations on limiting the number of*
 11 *background checks and forms of identification re-*
 12 *quired under such programs to reduce or eliminate*
 13 *duplication with Federal programs.*

14 **SEC. 818. TRANSPORTATION SECURITY CARDS: ACCESS**
 15 **PENDING ISSUANCE; DEADLINES FOR PROC-**
 16 **ESSING; RECEIPT.**

17 *(a) ACCESS; DEADLINES.—Section 70105 of title 46,*
 18 *United States Code, is further amended by adding at the*
 19 *end the following new subsections:*

20 *“(o) ESCORTING.—The Secretary shall coordinate with*
 21 *owners and operators subject to this section to allow any*
 22 *individual who has a pending application for a transpor-*
 23 *tation security card under this section or is waiting for*
 24 *reissuance of such card, including any individual whose*
 25 *card has been lost or stolen, and who needs to perform work*

1 *in a secure or restricted area to have access to such area*
2 *for that purpose through escorting of such individual in ac-*
3 *cordance with subsection (a)(1)(B) by another individual*
4 *who holds a transportation security card. Nothing in this*
5 *subsection shall be construed as requiring or compelling an*
6 *owner or operator to provide escorted access.*

7 “(p) *PROCESSING TIME.*—*The Secretary shall review*
8 *an initial transportation security card application and re-*
9 *spond to the applicant, as appropriate, including the mail-*
10 *ing of an Initial Determination of Threat Assessment letter,*
11 *within 30 days after receipt of the initial application. The*
12 *Secretary shall, to the greatest extent practicable, review ap-*
13 *peal and waiver requests submitted by a transportation se-*
14 *curity card applicant, and send a written decision or re-*
15 *quest for additional information required for the appeal or*
16 *waiver determination, within 30 days after receipt of the*
17 *applicant’s appeal or waiver written request. For an appli-*
18 *cant that is required to submit additional information for*
19 *an appeal or waiver determination, the Secretary shall send*
20 *a written decision, to the greatest extent practicable, within*
21 *30 days after receipt of all requested information.”.*

22 (b) *RECEIPT OF CARDS.*—

23 (1) *REPORT BY COMPTROLLER GENERAL.*—*With-*
24 *in 180 days after the date of enactment of this Act,*
25 *the Comptroller General of the United States shall*

1 submit to the Committee on Homeland Security of the
2 House of Representatives and the Committee on Com-
3 merce, Science, and Transportation of the Senate a
4 report assessing the costs, technical feasibility, and se-
5 curity measures associated with implementing proce-
6 dures to deliver a transportation security card to an
7 approved applicant's place of residence in a secure
8 manner or to allow an approved applicant to receive
9 the card at an enrollment center of the individual's
10 choosing.

11 (2) *PROCESS FOR ALTERNATIVE MEANS OF RE-*
12 *CEIPT.*—If the Comptroller General finds in the final
13 report under paragraph (1) that it is feasible for a
14 transportation security card to be sent to an ap-
15 proved applicant's place of residence in a secure man-
16 ner, the Secretary shall, within 1 year after the date
17 of issuance of the final report by the Comptroller Gen-
18 eral, implement a secure process to permit an indi-
19 vidual approved for a transportation security card to
20 receive the card at the applicant's place of residence
21 or at the enrollment center of the individual's choos-
22 ing. The individual shall be responsible for any addi-
23 tional cost associated with the secure delivery of a
24 transportation security card.

1 **SEC. 819. HARMONIZING SECURITY CARD EXPIRATIONS.**

2 Section 70105(b) of title 46, United States Code, is
3 amended by adding at the end the following new paragraph:

4 “(6) The Secretary may extend for up to one year the
5 expiration of a biometric transportation security card re-
6 quired by this section to align the expiration with the expi-
7 ration of a license, certificate of registry, or merchant mar-
8 iner document required under chapter 71 or 73.”.

9 **SEC. 820. CLARIFICATION OF RULEMAKING AUTHORITY.**

10 (a) *IN GENERAL.*—Chapter 701 of title 46, United
11 States Code, is further amended by adding at the end the
12 following:

13 **“SEC. 70124. REGULATIONS.**

14 “Unless otherwise provided, the Secretary may issue
15 regulations necessary to implement this chapter.”.

16 (b) *CLERICAL AMENDMENT.*—The table of contents for
17 chapter 701 of such title is further amended by adding at
18 the end the following new item:

“70124. Regulations.”.

19 **SEC. 821. PORT SECURITY TRAINING AND CERTIFICATION.**

20 (a) *PORT SECURITY TRAINING PROGRAM.*—Chapter
21 701 of title 46, United States Code, is further amended by
22 adding at the end the following:

1 **“§ 70125. Port security training for facility security of-**
2 **ficers**

3 “(a) *FACILITY SECURITY OFFICERS.*—*The Secretary*
4 *shall establish comprehensive facility security officer train-*
5 *ing requirements designed to provide full security training*
6 *that would lead to certification of such officers. In estab-*
7 *lishing the requirements, the Secretary shall—*

8 “(1) *work with affected industry stakeholders;*
9 *and*

10 “(2) *evaluate—*

11 “(A) *the requirements of subsection (b);*

12 “(B) *existing security training programs*
13 *employed at marine terminal facilities; and*

14 “(C) *existing port security training pro-*
15 *grams developed by the Federal Government.*

16 “(b) *REQUIREMENTS.*—*The training program shall*
17 *provide validated training that—*

18 “(1) *provides training at the awareness, per-*
19 *formance, management, and planning levels;*

20 “(2) *utilizes multiple training mediums and*
21 *methods;*

22 “(3) *establishes a validated provisional on-line*
23 *certification methodology;*

24 “(4) *provide for continuing education and train-*
25 *ing for facility security officers beyond certification*
26 *requirements, including a program to educate on the*

1 *dangers and issues associated with the shipment of*
2 *hazardous and especially hazardous cargo;*

3 *“(5) addresses port security topics, including—*

4 *“(A) facility security plans and procedures,*
5 *including how to develop security plans and se-*
6 *curity procedure requirements when threat levels*
7 *are elevated;*

8 *“(B) facility security force operations and*
9 *management;*

10 *“(C) physical security and access control at*
11 *facilities;*

12 *“(D) methods of security for preventing and*
13 *countering cargo theft;*

14 *“(E) container security;*

15 *“(F) recognition and detection of weapons,*
16 *dangerous substances, and devices;*

17 *“(G) operation and maintenance of security*
18 *equipment and systems;*

19 *“(H) security threats and patterns;*

20 *“(I) security incident procedures, including*
21 *procedures for communicating with govern-*
22 *mental and nongovernmental emergency response*
23 *providers; and*

24 *“(J) evacuation procedures;*

1 “(6) is consistent with, and supports implemen-
2 tation of, the National Incident Management System,
3 the National Response Plan, the National Infrastruc-
4 ture Protection Plan, the National Preparedness
5 Guidance, the National Preparedness Goal, the Na-
6 tional Maritime Transportation Security Plan, and
7 other such national initiatives;

8 “(7) is evaluated against clear and consistent
9 performance measures;

10 “(8) addresses security requirements under facil-
11 ity security plans;

12 “(9) addresses requirements under the Inter-
13 national Code for the Security of Ships and Port Fa-
14 cilities to address shore leave for mariners and access
15 to visitors, representatives of seafarers’ welfare orga-
16 nizations, and labor organizations; and

17 “(10) such other subject matters as may be pre-
18 scribed by the Secretary.

19 “(c) CONTINUING SECURITY TRAINING.—The Sec-
20 retary, in coordination with the Secretary of Transpor-
21 tation, shall work with State and local law enforcement
22 agencies and industry stakeholders to develop and certify
23 the following additional security training requirements for
24 Federal, State, and local officials with security responsibil-
25 ities at United States seaports:

1 “(1) A program to familiarize them with port
2 and shipping operations, requirements of the Mari-
3 time Transportation Security Act of 2002 (Public
4 Law 107–295), and other port and cargo security
5 programs that educates and trains them with respect
6 to their roles and responsibilities.

7 “(2) A program to familiarize them with dan-
8 gers and potential issues with respect to shipments of
9 hazardous and especially hazardous cargoes.

10 “(3) A program of continuing education as
11 deemed necessary by the Secretary.

12 “(d) *TRAINING PARTNERS.*—In developing curriculum
13 and delivering training established pursuant to subsections
14 (a) and (c), the Secretary, in coordination with the Mari-
15 time Administrator of the Department of Transportation
16 and consistent with section 109 of the Maritime Transpor-
17 tation Security Act of 2002 [46 U.S.C. 70101 note], shall
18 work with institutions with maritime expertise and with
19 industry stakeholders with security expertise to develop ap-
20 propriate training capacity to ensure that training can be
21 provided in a geographically balanced manner to personnel
22 seeking certification under subsection (a) or education and
23 training under subsection (c).

24 “(e) *ESTABLISHED GRANT PROGRAM.*—The Secretary
25 shall issue regulations or grant solicitations for grants for

1 *homeland security or port security to ensure that activities*
 2 *surrounding the development of curriculum and the provi-*
 3 *sion of training and these activities are eligible grant ac-*
 4 *tivities under both grant programs.”.*

5 (b) *CONFORMING AMENDMENT.*—Section 113 of the
 6 *SAFE Port Act (6 U.S.C. 911) is repealed.*

7 (c) *TABLE OF CONTENTS AMENDMENT.*—The table of
 8 contents for chapter 701 of title 46, United States Code,
 9 is further amended by adding at the end the following:

“70125. Port security training for facility security officers.”.

10 **SEC. 822. INTEGRATION OF SECURITY PLANS AND SYSTEMS**
 11 **WITH LOCAL PORT AUTHORITIES, STATE HAR-**
 12 **BOR DIVISIONS, AND LAW ENFORCEMENT**
 13 **AGENCIES.**

14 Section 70102 of title 46, United States Code, is
 15 amended by adding at the end thereof the following:

16 “(c) *SHARING OF ASSESSMENT INTEGRATION OF*
 17 *PLANS AND EQUIPMENT.*—The owner or operator of a facil-
 18 ity, consistent with any Federal security restrictions,
 19 shall—

20 “(1) *make a current copy of the vulnerability as-*
 21 *essment conducted under subsection (b) available to*
 22 *the port authority with jurisdiction of the facility and*
 23 *appropriate State or local law enforcement agencies;*
 24 *and*

1 “(2) *integrate, to the maximum extent practical,*
 2 *any security system for the facility with compatible*
 3 *systems operated or maintained by the appropriate*
 4 *State, law enforcement agencies, and the Coast*
 5 *Guard.*”.

6 **SEC. 823. TRANSPORTATION SECURITY CARDS.**

7 *Section 70105 of title 46, United States Code, is fur-*
 8 *ther amended by adding at the end thereof the following:*

9 “(q) *RECEIPT AND ACTIVATION OF TRANSPORTATION*
 10 *SECURITY CARD.—*

11 “(1) *IN GENERAL.—Not later than one year after*
 12 *the date of publication of final regulations required*
 13 *by subsection (k)(3) of this section the Secretary shall*
 14 *develop a plan to permit the receipt and activation*
 15 *of transportation security cards at any vessel or facil-*
 16 *ity described in subsection (a) of this section that de-*
 17 *sires to implement this capability. This plan shall*
 18 *comply, to the extent possible, with all appropriate*
 19 *requirements of Federal standards for personal iden-*
 20 *tity verification and credential.*

21 “(2) *LIMITATION.—The Secretary may not re-*
 22 *quire any such vessel or facility to provide on-site ac-*
 23 *tivation capability.*”.

1 **SEC. 824. PRE-POSITIONING INTEROPERABLE COMMUNICA-**
2 **TIONS EQUIPMENT AT INTERAGENCY OPER-**
3 **ATIONAL CENTERS.**

4 *Section 70107A of title 46, United States Code, is*
5 *amended—*

6 *(1) by redesignating subsections (e) and (f) as*
7 *subsections (f) and (g), respectively; and*

8 *(2) by inserting after subsection (d) the fol-*
9 *lowing:*

10 *“(e) DEPLOYMENT OF INTEROPERABLE COMMUNICA-*
11 *TIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CEN-*
12 *TERS.—The Secretary, subject to the availability of appro-*
13 *priations, shall ensure that interoperable communications*
14 *technology is deployed at all interagency operational centers*
15 *established under subsection (a) and that such technology*
16 *and equipment has been tested in live operational environ-*
17 *ments before deployment.”.*

18 **SEC. 825. INTERNATIONAL PORT AND FACILITY INSPEC-**
19 **TION COORDINATION.**

20 *(a) COORDINATION.—The Secretary of the department*
21 *in which the Coast Guard is operating shall, to the extent*
22 *practicable, conduct the assessments required by the fol-*
23 *lowing provisions of law concurrently, or develop a process*
24 *by which they are integrated and conducted by the Coast*
25 *Guard:*

1 (1) *Section 205 of the SAFE Port Act (6 U.S.C.*
2 *945).*

3 (2) *Section 213 of that Act (6 U.S.C. 964).*

4 (3) *Section 70108 of title 46, United States*
5 *Code.*

6 (b) *LIMITATION.—Nothing in subsection (a) shall be*
7 *construed to affect or diminish the Secretary’s authority or*
8 *discretion—*

9 (1) *to conduct an assessment of a foreign port at*
10 *any time;*

11 (2) *to compel the Secretary to conduct an assess-*
12 *ment of a foreign port so as to ensure that 2 or more*
13 *assessments are conducted concurrently; or*

14 (3) *to cancel an assessment of a foreign port if*
15 *the Secretary is unable to conduct 2 or more assess-*
16 *ments concurrently.*

17 (c) *MULTIPLE ASSESSMENT REPORT.—The Secretary*
18 *shall provide written notice to the Committee on Commerce,*
19 *Science, and Transportation of the Senate and the Commit-*
20 *tees on Transportation and Infrastructure and Homeland*
21 *Security of the House of Representatives whenever the Sec-*
22 *retary conducts 2 or more assessments of the same port*
23 *within a 3-year period.*

1 **SEC. 826. AREA TRANSPORTATION SECURITY INCIDENT**
2 **MITIGATION PLAN.**

3 *Section 70103(b)(2) of title 46, United States Code, is*
4 *amended—*

5 *(1) by redesignating subparagraphs (E) through*
6 *(G) as subparagraphs (F) through (H), respectively;*
7 *and*

8 *(2) by inserting after subparagraph (D) the fol-*
9 *lowing:*

10 *“(E) establish area response and recovery proto-*
11 *cols to prepare for, respond to, mitigate against, and*
12 *recover from a transportation security incident con-*
13 *sistent with section 202 of the SAFE Port Act of 2006*
14 *(6 U.S.C. 942) and subsection (a) of this section;”.*

15 **SEC. 827. RISK BASED RESOURCE ALLOCATION.**

16 *(a) NATIONAL STANDARD.—Within 1 year after the*
17 *date of enactment of this Act, in carrying out chapter 701*
18 *of title 46, United States Code, the Secretary of the depart-*
19 *ment in which the Coast Guard is operating shall develop*
20 *and utilize a national standard and formula for*
21 *prioritizing and addressing assessed security risks at*
22 *United State ports and facilities on or adjacent to the wa-*
23 *terways of the United States, such as the Maritime Security*
24 *Risk Assessment Model that has been tested by the Depart-*
25 *ment of Homeland Security.*

1 (b) *USE BY MARITIME SECURITY COMMITTEES.*—
 2 *Within 2 years after the date of enactment of this Act, the*
 3 *Secretary shall require each Area Maritime Security Com-*
 4 *mittee to use this standard to regularly evaluate each port’s*
 5 *assessed risk and prioritize how to mitigate the most signifi-*
 6 *cant risks.*

7 (c) *OTHER USES OF STANDARD.*—*The Secretary shall*
 8 *utilize the standard when considering departmental re-*
 9 *source allocations and grant making decisions.*

10 (d) *USE OF MARITIME RISK ASSESSMENT MODEL.*—
 11 *Within 180 days after the date of enactment of this Act,*
 12 *the Secretary of the department in which the Coast Guard*
 13 *is operating shall make the United States Coast Guard’s*
 14 *Maritime Security Risk Assessment Model available, in an*
 15 *unclassified version, on a limited basis to regulated vessels*
 16 *and facilities to conduct true risk assessments of their own*
 17 *facilities and vessels using the same criteria employed by*
 18 *the Coast Guard when evaluating a port area, facility, or*
 19 *vessel.*

20 **SEC. 828. PORT SECURITY ZONES.**

21 (a) *IN GENERAL.*—*Section 701 of title 46, United*
 22 *States Code, is amended by adding at the end the following:*

23 “SUBCHAPTER II—PORT SECURITY ZONES

24 “§ 70131. **Definitions**

25 “*In this subchapter:*

1 “(1) *LAW ENFORCEMENT AGENCY.*—*The term*
2 *‘law enforcement agency’ means an agency of a State,*
3 *a political subdivision of a State, or a Federally rec-*
4 *ognized tribe that is authorized by law to supervise*
5 *the prevention, detection, investigation, or prosecution*
6 *of any violation of criminal law.*

7 “(2) *SECURITY ZONE.*—*The term ‘security zone’*
8 *means a security zone, established by the Com-*
9 *mandant of the Coast Guard or the Commandant’s*
10 *designee pursuant to section 1 of title II of the Act*
11 *of June 15, 1917 (50 U.S.C. 191) or section 7(b) of*
12 *the Ports and Waterways Safety Act (33 U.S.C.*
13 *1226(b)), for a vessel carrying especially hazardous*
14 *cargo when such vessel—*

15 “(A) *enters, or operates within, the internal*
16 *waters of the United States and the territorial*
17 *sea of the United States; or*

18 “(B) *transfers such cargo or residue in any*
19 *port or place, under the jurisdiction of the*
20 *United States, within the territorial sea of the*
21 *United States or the internal waters of the*
22 *United States.*

1 **“§ 70132. Credentialing standards, training, and cer-**
2 **tification for State and local support for**
3 **the enforcement of security zones for the**
4 **transportation of especially hazardous**
5 **cargo**

6 “(a) *STANDARD.—The Commandant of the Coast*
7 *Guard shall establish, by regulation, national standards for*
8 *training and credentialing of law enforcement personnel—*

9 “(1) *to enforce a security zone; or*

10 “(2) *to assist in the enforcement of a security*
11 *zone.*

12 “(b) *TRAINING.—*

13 “(1) *The Commandant of the Coast Guard—*

14 “(A) *shall develop and publish a training*
15 *curriculum for—*

16 “(i) *law enforcement personnel to en-*
17 *force a security zone;*

18 “(ii) *law enforcement personnel to en-*
19 *force or assist in the enforcement of a secu-*
20 *rity zone; and*

21 “(iii) *personnel who are employed or*
22 *retained by a facility or vessel owner to as-*
23 *ist in the enforcement of a security zone;*
24 *and*

25 “(B) *may—*

1 “(i) test and deliver such training, the
2 curriculum for which is developed pursuant
3 to subparagraph (A);

4 “(ii) enter into an agreement under
5 which a public entity (including a Federal
6 agency) or private entity may test and de-
7 liver such training, the curriculum for
8 which has been developed pursuant to sub-
9 paragraph (A); and

10 “(iii) may accept a program, con-
11 ducted by a public entity (including a Fed-
12 eral agency) or private entity, through
13 which such training is delivered the cur-
14 riculum for which is developed pursuant to
15 subparagraph (A).

16 “(2) Any Federal agency that provides such
17 training, and any public or private entity that re-
18 ceives moneys, pursuant to section 70107(b)(8) of this
19 title, to provide such training, shall provide such
20 training—

21 “(A) to law enforcement personnel who en-
22 force or assist in the enforcement of a security
23 zone; and

24 “(B) on an availability basis to—

1 “(i) law enforcement personnel who as-
2 sist in the enforcement of a security zone;
3 and

4 “(ii) personnel who are employed or
5 retained by a facility or vessel owner or op-
6 erator to assist in the enforcement of a secu-
7 rity zone.

8 “(3) If a Federal agency provides the training,
9 the head of such agency may, notwithstanding any
10 other provision of law, accept payment from any
11 source for such training, and any amount received as
12 payment shall be credited to the appropriation, cur-
13 rent at the time of collection, charged with the cost
14 thereof and shall be merged with, and available for,
15 the same purposes of such appropriation.

16 “(4) Notwithstanding any other provision of law,
17 any moneys, awarded by the Department of Home-
18 land Security in the form of awards or grants, may
19 be used by the recipient to pay for training of per-
20 sonnel to assist in the enforcement of security zones
21 and limited access areas.

22 “(c) CERTIFICATION; TRAINING PARTNERS.—In devel-
23 oping and delivering training under the training program,
24 the Secretary, in coordination with the Maritime Adminis-
25 trator of the Department of Transportation, and consistent

1 *with section 109 of the Maritime Transportation Security*
2 *Act of 2002 (46 U.S.C. 70101 note), shall—*

3 “(1) *work with government training facilities,*
4 *academic institutions, private organizations, em-*
5 *ployee organizations, and other entities that provide*
6 *specialized, state-of-the-art training for governmental*
7 *and nongovernmental emergency responder providers*
8 *or commercial seaport personnel and management;*

9 “(2) *utilize, as appropriate, government training*
10 *facilities, courses provided by community colleges,*
11 *public safety academies, State and private univer-*
12 *sities, and other facilities; and*

13 “(3) *certify organizations that offer the cur-*
14 *riculum for training and certification.”.*

15 (b) *GRANTS; ADMINISTRATION.—Section 70107 of title*
16 *46, United States Code, is amended—*

17 (1) *by striking “services.” in subsection (a) and*
18 *inserting “services and to train law enforcement per-*
19 *sonnel under section 70132 of this title.”;*

20 (2) *by adding at the end of subsection (b) the fol-*
21 *lowing:*

22 “(8) *The cost of training law enforcement per-*
23 *sonnel—*

24 “(A) *to enforce a security zone under section*
25 *70132 of this title; or*

1 “(B) assist in the enforcement of a security
2 zone.”;

3 (3) by adding at the end of subsection (c)(2) the
4 following:

5 “(C) *TRAINING*.—There are no matching re-
6 quirements for grants under subsection (a) to
7 train law enforcement agency personnel in the
8 enforcement of security zones under section
9 70132 of this title or in assisting in the enforce-
10 ment of such security zones.”; and

11 (4) by striking “2011” in subsection (l) and in-
12 serting “2013”.

13 (c) *CONFORMING AMENDMENTS*.—

14 (1) *SUBCHAPTER I DESIGNATION*.—Chapter 701
15 of title 46, United States Code, is amended by insert-
16 ing before section 70101 the following:

17 “*SUBCHAPTER I—GENERAL*”.

18 (2) *TABLE OF CONTENTS AMENDMENTS*.—The
19 table of contents for chapter 701 of title 46, United
20 States Code, is amended—

21 (3) by inserting before the item relating to sec-
22 tion 70101 the following:

23 “***Subchapter I—General***”;

24 and

25 (4) by adding at the end the following:

“70131. *Definitions.*

“70132. *Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo.*”.

1 **TITLE IX—MISCELLANEOUS** 2 **PROVISIONS**

3 **SEC. 901. WAIVERS.**

4 (a) *GENERAL COASTWISE WAIVER.*—Notwithstanding
5 *section 12112 and chapter 551 of title 46, United States*
6 *Code, the Secretary of the department in which the Coast*
7 *Guard is operating may issue a certificate of documenta-*
8 *tion with a coastwise endorsement for the following vessels:*

9 (1) *ZIPPER (State of New York regulation*
10 *number NY3205EB).*

11 (2) *GULF DIVER IV (United States official*
12 *number 553457).*

13 (b) *GALLANT LADY.*—Section 1120(c) of the Coast
14 *Guard Authorization Act of 1996 (110 Stat. 3977) is*
15 *amended—*

16 (1) *in paragraph (1)—*

17 (A) *by striking “of Transportation” and in-*
18 *serting “of the department in which the Coast*
19 *Guard is operating”; and*

20 (B) *by striking subparagraph (A) and in-*
21 *serting the following:*

1 “(A) the vessel *GALLANT LADY* (Feadship
2 hull number 672, approximately 168 feet in
3 length).”;

4 (2) by amending paragraph (3) to read as fol-
5 lows:

6 “(3) *CONDITION.—The only nonrecreational ac-*
7 *tivity authorized for the vessel referred to in subpara-*
8 *graph (A) of paragraph (1) is the transportation of*
9 *individuals on behalf of an organization described in*
10 *section 501(c)(3) of the Internal Revenue Code of*
11 *1986 and exempt from tax under section 501(a) of*
12 *such Code, for which the owner of the vessel receives*
13 *no compensation.”;*

14 (3) by striking paragraph (4) and redesignating
15 paragraph (5) as paragraph (4); and

16 (4) in paragraph (4) (as so redesignated) by
17 striking all after “shall expire” and inserting “on the
18 date of the sale of the vessel by the owner.”.

19 (c) *ACTIVITY OF CERTAIN VESSELS.—*

20 (1) *IN GENERAL.—Section 12102 of title 46,*
21 *United States Code, is amended by adding at the end*
22 *the following:*

23 “(d) *AQUACULTURE WAIVER.—*

24 “(1) *PERMITTING OF NONQUALIFIED VESSELS TO*
25 *PERFORM CERTAIN AQUACULTURE SUPPORT OPER-*

1 *ATIONS.—Notwithstanding section 12113 and any*
 2 *other law, the Secretary of Transportation may issue*
 3 *a waiver allowing a documented vessel with a registry*
 4 *endorsement or a foreign flag vessel to be used in op-*
 5 *erations that treat aquaculture fish for or protect*
 6 *aquaculture fish from disease, parasitic infestation, or*
 7 *other threats to their health if the Secretary finds,*
 8 *after publishing a notice in the Federal Register, that*
 9 *a suitable vessel of the United States is not available*
 10 *that could perform those services.*

11 “(2) *PROHIBITION.—Vessels operating under a*
 12 *waiver issued under this subsection may not engage*
 13 *in any coastwise transportation.”.*

14 (2) *IMPLEMENTING AND INTERIM REGULA-*
 15 *TIONS.—The Secretary of the department in which the*
 16 *Coast Guard is operating shall, in accordance with*
 17 *section 553 of title 5, United States Code, and after*
 18 *public notice and comment, promulgate regulations*
 19 *necessary and appropriate to implement this sub-*
 20 *section. The Secretary may grant interim permits*
 21 *pending the issuance of such regulations upon receipt*
 22 *of applications containing the required information.*

23 **SEC. 902. CREW WAGES ON PASSENGER VESSELS.**

24 (a) *FOREIGN AND INTERCOASTAL VOYAGES.—*

1 (1) *CAP ON PENALTY WAGES.*—Section 10313(g)
 2 of title 46, United States Code, is amended—

3 (A) by striking “When” and inserting “(1)
 4 Subject to paragraph (2), when”; and

5 (B) by adding at the end the following:

6 “(2) The total amount required to be paid under para-
 7 graph (1) with respect to all claims in a class action suit
 8 by seamen on a passenger vessel capable of carrying more
 9 than 500 passengers for wages under this section against
 10 a vessel master, owner, or operator or the employer of the
 11 seamen shall not exceed ten times the unpaid wages that
 12 are the subject of the claims.

13 “(3) A class action suit for wages under this subsection
 14 must be commenced within three years after the later of—

15 “(A) the date of the end of the last voyage for
 16 which the wages are claimed; or

17 “(B) the receipt, by a seaman who is a claimant
 18 in the suit, of a payment of wages that are the subject
 19 of the suit that is made in the ordinary course of em-
 20 ployment.”.

21 (2) *DEPOSITS.*—Section 10315 of such title is
 22 amended by adding at the end the following:

23 “(f) *DEPOSITS IN SEAMAN ACCOUNT.*—By written re-
 24 quest signed by the seaman, a seaman employed on a pas-
 25 senger vessel capable of carrying more than 500 passengers

1 *may authorize the master, owner, or operator of the vessel,*
2 *or the employer of the seaman, to make deposits of wages*
3 *of the seaman into a checking, savings, investment, or re-*
4 *tirement account, or other account to secure a payroll or*
5 *debit card for the seaman if—*

6 “(1) *the wages designated by the seaman for such*
7 *deposit are deposited in a United States or inter-*
8 *national financial institution designated by the sea-*
9 *man;*

10 “(2) *such deposits in the financial institution*
11 *are fully guaranteed under commonly accepted inter-*
12 *national standards by the government of the country*
13 *in which the financial institution is licensed;*

14 “(3) *a written wage statement or pay stub, in-*
15 *cluding an accounting of any direct deposit, is deliv-*
16 *ered to the seaman no less often than monthly; and*

17 “(4) *while on board the vessel on which the sea-*
18 *man is employed, the seaman is able to arrange for*
19 *withdrawal of all funds on deposit in the account in*
20 *which the wages are deposited.”.*

21 *(b) COASTWISE VOYAGES.—*

22 *(1) CAP ON PENALTY WAGES.—Section 10504(c)*
23 *of such title is amended—*

1 (A) by striking “When” and inserting “(1)
 2 Subject to subsection (d), and except as provided
 3 in paragraph (2), when”; and

4 (B) by inserting at the end the following:

5 “(2) The total amount required to be paid under para-
 6 graph (1) with respect to all claims in a class action suit
 7 by seamen on a passenger vessel capable of carrying more
 8 than 500 passengers for wages under this section against
 9 a vessel master, owner, or operator or the employer of the
 10 seamen shall not exceed ten times the unpaid wages that
 11 are the subject of the claims.

12 “(3) A class action suit for wages under this subsection
 13 must be commenced within three years after the later of—

14 “(A) the date of the end of the last voyage for
 15 which the wages are claimed; or

16 “(B) the receipt, by a seaman who is a claimant
 17 in the suit, of a payment of wages that are the subject
 18 of the suit that is made in the ordinary course of em-
 19 ployment.”.

20 (2) DEPOSITS.—Section 10504 of such title is
 21 amended by adding at the end the following:

22 “(f) DEPOSITS IN SEAMAN ACCOUNT.—On written re-
 23 quest signed by the seaman, a seaman employed on a pas-
 24 senger vessel capable of carrying more than 500 passengers
 25 may authorize, the master, owner, or operator of the vessel,

1 *or the employer of the seaman, to make deposits of wages*
 2 *of the seaman into a checking, savings, investment, or re-*
 3 *tirement account, or other account to secure a payroll or*
 4 *debit card for the seaman if—*

5 “(1) *the wages designated by the seaman for such*
 6 *deposit are deposited in a United States or inter-*
 7 *national financial institution designated by the sea-*
 8 *man;*

9 “(2) *such deposits in the financial institution*
 10 *are fully guaranteed under commonly accepted inter-*
 11 *national standards by the government of the country*
 12 *in which the financial institution is licensed;*

13 “(3) *a written wage statement or pay stub, in-*
 14 *cluding an accounting of any direct deposit, is deliv-*
 15 *ered to the seaman no less often than monthly; and*

16 “(4) *while on board the vessel on which the sea-*
 17 *man is employed, the seaman is able to arrange for*
 18 *withdrawal of all funds on deposit in the account in*
 19 *which the wages are deposited.”.*

20 **SEC. 903. TECHNICAL CORRECTIONS.**

21 (a) *COAST GUARD AND MARITIME TRANSPORTATION*
 22 *ACT OF 2006.—Effective with enactment of the Coast Guard*
 23 *and Maritime Transportation Act of 2006 (Public Law*
 24 *109–241), such Act is amended—*

1 (1) in section 311(b) (120 Stat. 530) by insert-
2 ing “paragraphs (1) and (2) of” before “section
3 8104(o)”;

4 (2) in section 603(a)(2) (120 Stat. 554) by strik-
5 ing “33 U.S.C. 2794(a)(2)” and inserting “33 U.S.C.
6 2704(a)(2)”;

7 (3) in section 901(r)(2) (120 Stat. 566) by strik-
8 ing “the” the second place it appears;

9 (4) in section 902(c) (120 Stat. 566) by inserting
10 “of the United States” after “Revised Statutes”;

11 (5) in section 902(e) (120 Stat. 567) is amend-
12 ed—

13 (A) by inserting “and” after the semicolon
14 at the end of paragraph (1);

15 (B) by striking “and” at the end of para-
16 graph (2)(A); and

17 (C) by redesignating paragraphs (3) and
18 (4) as subparagraphs (C) and (D) of paragraph
19 (2), respectively, and aligning the left margin of
20 such subparagraphs with the left margin of sub-
21 paragraph (A) of paragraph (2);

22 (6) in section 902(e)(2)(C) (as so redesignated)
23 by striking “this section” and inserting “this para-
24 graph”;

1 (7) *in section 902(e)(2)(D) (as so redesignated)*
 2 *by striking “this section” and inserting “this para-*
 3 *graph”;*

4 (8) *in section 902(h)(1) (120 Stat. 567)—*

5 (A) *by striking “Bisti/De-Na-Zin” and all*
 6 *that follows through “Protection” and inserting*
 7 *“Omnibus Parks and Public Lands Manage-*
 8 *ment”;* *and*

9 (B) *by inserting a period after “Com-*
 10 *mandant of the Coast Guard”;* *and*

11 (9) *in section 902(k) (120 Stat. 568) is amend-*
 12 *ed—*

13 (A) *by inserting “the Act of March 23,*
 14 *1906, commonly known as” before “the General*
 15 *Bridge”;*

16 (B) *by striking “491)” and inserting*
 17 *“494),”;* *and*

18 (C) *by inserting “each place it appears” be-*
 19 *fore “and inserting”.*

20 (b) *TITLE 14.—*

21 (1) *The analysis for chapter 7 of title 14, United*
 22 *States Code, is amended by adding a period at the*
 23 *end of the item relating to section 149.*

1 (2) *The analysis for chapter 17 of title 14,*
2 *United States Code, is amended by adding a period*
3 *at the end of the item relating to section 677.*

4 (3) *The analysis for chapter 9 of title 14, United*
5 *States Code, is amended by adding a period at the*
6 *end of the item relating to section 198.*

7 (4) *Section 182 of title 14, United States Code,*
8 *is amended by striking the third sentence.*

9 (c) *TITLE 46.—*

10 (1) *The analysis for chapter 81 of title 46,*
11 *United States Code, is amended by adding a period*
12 *at the end of the item relating to section 8106.*

13 (2) *Section 70105(c)(3)(C) of such title is*
14 *amended by striking “National Intelligence Director”*
15 *and inserting “Director of National Intelligence”.*

16 (d) *DEEPWATER PORT ACT OF 1974.—Section 5(c)(2)*
17 *of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2))*
18 *is amended by aligning the left margin of subparagraph*
19 *(K) with the left margin of subparagraph (L).*

20 (e) *OIL POLLUTION ACT OF 1990.—*

21 (1) *Section 1004(a)(2) of the Oil Pollution Act*
22 *of 1990 (33 U.S.C. 2704(a)(2)) is amended by strik-*
23 *ing the first comma following “\$800,000”.*

1 (2) *The table of sections in section 2 of such Act*
 2 *is amended by inserting a period at the end of the*
 3 *item relating to section 7002.*

4 (f) *COAST GUARD AUTHORIZATION ACT OF 1996.—*
 5 *The table of sections in section 2 of the Coast Guard Author-*
 6 *ization Act of 1996 is amended in the item relating to sec-*
 7 *tion 103 by striking “reports” and inserting “report”.*

8 **SEC. 904. MANNING REQUIREMENT.**

9 *Section 421 of the Coast Guard and Maritime Trans-*
 10 *portation Act of 2006 (Public Law 109–241; 120 Stat. 547)*
 11 *is amended—*

12 (1) *in subsection (a), by striking “in the 48-*
 13 *month period beginning on the date of enactment of*
 14 *this Act if,” and inserting “until the date of expira-*
 15 *tion of this section if,”;*

16 (2) *in subsection (b), by striking “Subsection*
 17 *(a)(1)” and inserting “Subsection (a)”;*

18 (3) *in subsection (d), by striking “48 months*
 19 *after the date of enactment of this Act.” and inserting*
 20 *“on December 31, 2012.”; and*

21 (4) *by redesignating subsection (e) as subsection*
 22 *(f) and inserting after subsection (d) the following:*

23 “(e) *SAFETY INSPECTIONS.—A vessel may not engage*
 24 *a foreign citizen to meet a manning requirement under this*
 25 *section unless it has an annual safety examination by an*

1 *individual authorized to enforce part B of subtitle II of title*
 2 *46, United States Code.”.*

3 **SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.**

4 *The Commandant of the Coast Guard shall submit to*
 5 *the Committee on Commerce, Science, and Transportation*
 6 *of the Senate and the Committee on Transportation and*
 7 *Infrastructure of the House of Representatives a comprehen-*
 8 *sive study on the proposed construction or alteration of any*
 9 *bridge, drawbridge, or causeway over navigable waters with*
 10 *a channel depth of 25 feet or greater of the United States*
 11 *that may impede or obstruct future navigation to or from*
 12 *port facilities.*

13 **SEC. 906. LIMITATION ON JURISDICTION OF STATES TO TAX**
 14 **CERTAIN SEAMEN.**

15 *Section 11108(b)(2)(B) of title 46, United States Code,*
 16 *is amended to read as follows:*

17 *“(B) who performs regularly assigned duties*
 18 *while engaged as a master, officer, or crewman*
 19 *on a vessel operating on navigable waters in 2*
 20 *or more States.”.*

21 **SEC. 907. LAND CONVEYANCE, COAST GUARD PROPERTY IN**
 22 **MARQUETTE COUNTY, MICHIGAN, TO THE**
 23 **CITY OF MARQUETTE, MICHIGAN.**

24 *(a) CONVEYANCE AUTHORIZED.—*

1 (1) *IN GENERAL.*—*The Commandant of the*
2 *Coast Guard may convey as surplus property, under*
3 *section 550 of title 40, United States Code, and other*
4 *relevant Federal Laws governing the disposal of Fed-*
5 *eral surplus property, to the City of Marquette,*
6 *Michigan (in this section referred to as the “City”),*
7 *all right, title, and interest of the United States in*
8 *and to a parcel of real property, together with any*
9 *improvements thereon, located in Marquette County,*
10 *Michigan, that is under the administrative control of*
11 *the Coast Guard, consisting of approximately 5.5*
12 *acres of real property, as depicted on the Van Neste*
13 *survey (#204072), dated September 7, 2006, together*
14 *with the land between the intermediate traverse line*
15 *as shown on such survey and the ordinary high water*
16 *mark, the total comprising 9 acres, more or less, and*
17 *commonly identified as Coast Guard Station Mar-*
18 *quette and Lighthouse Point.*

19 (2) *COSTS OF CONVEYANCE.*—*The responsibility*
20 *for all reasonable and necessary costs, including real*
21 *estate transaction and environmental documentation*
22 *costs, associated with the transaction shall be deter-*
23 *mined by the Commandant of the Coast Guard and*
24 *the City.*

1 (b) *RETENTION OF CERTAIN EASEMENTS.*—*In con-*
2 *veying the property under subsection (a), the Commandant*
3 *of the Coast Guard may retain such easements over the*
4 *property as the Commandant considers appropriate for ac-*
5 *cess to aids to navigation.*

6 (c) *LIMITATIONS.*—*The property to be conveyed under*
7 *subsection (a) may not be conveyed under that subsection*
8 *until—*

9 (1) *the Coast Guard has relocated Coast Guard*
10 *Station Marquette to a newly constructed station;*

11 (2) *any environmental remediation required*
12 *under Federal law with respect to the property has*
13 *been completed; and*

14 (3) *the Commandant of the Coast Guard deter-*
15 *mines that retention of the property by the United*
16 *States is not required to carry out Coast Guard mis-*
17 *sions or functions.*

18 (d) *CONDITIONS OF TRANSFER.*—*All conditions placed*
19 *within the deed of title of the property to be conveyed under*
20 *subsection (a) shall be construed as covenants running with*
21 *the land.*

22 (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
23 *and legal description of the property to be conveyed under*
24 *subsection (a) shall be determined by a survey satisfactory*
25 *to the Commandant of the Coast Guard.*

1 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Com-*
2 *mandant of the Coast Guard may require such additional*
3 *terms and conditions in connection with the conveyance au-*
4 *thorized by subsection (a) as the Commandant considers ap-*
5 *propriate to protect the interests of the United States.*

6 **SEC. 908. MISSION REQUIREMENT ANALYSIS FOR NAVI-**
7 **GABLE PORTIONS OF THE RIO GRANDE**
8 **RIVER, TEXAS, INTERNATIONAL WATER**
9 **BOUNDARY.**

10 *Not later than 90 days after the date of the enactment*
11 *of this Act, the Secretary of the department in which the*
12 *Coast Guard is operating shall prepare a mission require-*
13 *ment analysis for the navigable portions of the Rio Grande*
14 *River, Texas, international water boundary. The analysis*
15 *shall take into account the Coast Guard's involvement on*
16 *the Rio Grande River by assessing Coast Guard missions,*
17 *assets, and personnel assigned along the Rio Grande River.*
18 *The analysis shall also identify what would be needed for*
19 *the Coast Guard to increase search and rescue operations,*
20 *migrant interdiction operations, and drug interdiction op-*
21 *erations. In carrying out this section, the Secretary shall*
22 *work with all appropriate entities to facilitate the collection*
23 *of information under this section as necessary and shall re-*
24 *port the analysis to the Congress.*

1 **SEC. 909. CONVEYANCE OF COAST GUARD PROPERTY IN**
2 **CHEBOYGAN, MICHIGAN.**

3 (a) *CONVEYANCE AUTHORIZED.*—Notwithstanding
4 any other provision of law, the Commandant of the Coast
5 Guard is authorized to convey, at fair market value, all
6 right, title, and interest of the United States in and to a
7 parcel of real property, consisting of approximately 3 acres,
8 more or less, that is under the administrative control of the
9 Coast Guard and located at 900 S. Western Avenue in Che-
10 boygan, Michigan.

11 (b) *RIGHT OF FIRST REFUSAL.*—The Cornerstone
12 Christian Academy, located in Cheboygan, MI, shall have
13 the right of first refusal to purchase, at fair market value,
14 all or a portion of the real property described in subsection
15 (a).

16 (c) *DESCRIPTION OF PROPERTY.*—The exact acreage
17 and legal description of the property to be conveyed under
18 subsection (a) shall be determined by a survey satisfactory
19 to the Commandant of the Coast Guard.

20 (d) *FAIR MARKET VALUE.*—The fair market value of
21 the property shall be—

22 (1) *determined by appraisal, in accordance with*
23 *the Uniform Appraisal Standards for Federal Land*
24 *Acquisitions and the Uniform Standards of Profes-*
25 *sional Appraisal Practice; and*

26 (2) *subject to the approval of the Commandant.*

1 (e) *COSTS OF CONVEYANCE.*—*The responsibility for all*
 2 *reasonable and necessary costs, including real estate trans-*
 3 *action and environmental documentation costs, associated*
 4 *with the transaction shall be determined by the Com-*
 5 *mandant of the Coast Guard and the purchaser.*

6 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Com-*
 7 *mandant of the Coast Guard may require such additional*
 8 *terms and conditions in connection with the conveyance*
 9 *under subsection (a) as is considered appropriate to protect*
 10 *the interests of the United States.*

11 **SEC. 910. ALTERNATIVE LICENSING PROGRAM FOR OPERA-**
 12 **TORS OF UNINSPECTED PASSENGER VESSELS**
 13 **ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.**

14 (a) *IN GENERAL.*—*Upon the request of the Governor*
 15 *of the State of Texas or the Governor of the State of Okla-*
 16 *homa, the Secretary of the department in which the Coast*
 17 *Guard is operating shall enter into an agreement with the*
 18 *Governor of the State whereby the State shall license opera-*
 19 *tors of uninspected passenger vessels operating on Lake*
 20 *Texoma in Texas and Oklahoma in lieu of the Secretary*
 21 *issuing the license pursuant to section 8903 of title 46,*
 22 *United States Code, and the regulations issued thereunder,*
 23 *but only if the State plan for licensing the operators of*
 24 *uninspected passenger vessels—*

1 (1) *meets the equivalent standards of safety and*
2 *protection of the environment as those contained in*
3 *subtitle II of title 46, United States Code, and regula-*
4 *tions issued thereunder;*

5 (2) *includes—*

6 (A) *standards for chemical testing for such*
7 *operators;*

8 (B) *physical standards for such operators;*

9 (C) *professional service and training re-*
10 *quirements for such operators; and*

11 (D) *criminal history background check for*
12 *such operators;*

13 (3) *provides for the suspension and revocation of*
14 *State licenses;*

15 (4) *makes an individual, who is ineligible for a*
16 *license issued under title 46, United States Code, in-*
17 *eligible for a State license; and*

18 (5) *provides for a report that includes—*

19 (A) *the number of applications that, for the*
20 *preceding year, the State rejected due to failure*
21 *to—*

22 (i) *meet chemical testing standards;*

23 (ii) *meet physical standards;*

24 (iii) *meet professional service and*
25 *training requirements; and*

1 (iv) pass criminal history background
2 check for such operators;

3 (B) the number of licenses that, for the pre-
4 ceding year, the State issued;

5 (C) the number of license investigations
6 that, for the preceding year, the State conducted;

7 (D) the number of licenses that, for the pre-
8 ceding year, the State suspended or revoked, and
9 the cause for such suspensions or revocations;
10 and

11 (E) the number of injuries, deaths, colli-
12 sions, and loss or damage associated with
13 uninspected passenger vessels operations that, for
14 the preceding year, the State investigated.

15 (b) ADMINISTRATION.—

16 (1) The Governor of the State may delegate the
17 execution and enforcement of the State plan, includ-
18 ing the authority to license and the duty to report in-
19 formation pursuant to subsection (a), to any subordi-
20 nate State officer. The Governor shall provide, to the
21 Secretary, written notice of any delegation.

22 (2) The Governor (or the Governor's designee)
23 shall provide written notice of any amendment to the
24 State plan no less than 45 days prior to the effective
25 date of such amendment.

1 (3) *At the request of the Secretary, the Governor*
2 *of the State (or the Governor's designee) shall grant,*
3 *on a biennial basis, the Secretary access to State*
4 *records and State personnel for the purpose of audit-*
5 *ing State execution and enforcement of the State*
6 *plan.*

7 (c) *APPLICATION.—*

8 (1) *The requirements of section 8903 of title 46,*
9 *United States Code, and the regulations issued there-*
10 *under shall not apply to any person operating under*
11 *the authority of a State license issued pursuant to an*
12 *agreement under this section.*

13 (2) *The State shall not compel a person, oper-*
14 *ating under the authority of a license issued either by*
15 *another State, pursuant to a valid agreement under*
16 *this section, or by the Secretary, pursuant to section*
17 *8903 of title 46, United States Code, to—*

18 (A) *hold a license issued by the State, pur-*
19 *suant to an agreement under this section; or*

20 (B) *pay any fee, associated with licensing,*
21 *because the person does not hold a license issued*
22 *by the State, pursuant to an agreement under*
23 *this section.*

24 *Nothing in this paragraph shall limit the authority*
25 *of the State to impose requirements or fees for privi-*

1 *leges, other than licensing, that are associated with*
2 *the operation of uninspected passenger vessels on Lake*
3 *Texoma.*

4 *(3) For the purpose of enforcement, if an indi-*
5 *vidual is issued a license—*

6 *(A) by a State, pursuant to an agreement*
7 *entered into under to this section; or*

8 *(B) by the Secretary, pursuant to section*
9 *8903 of title 46, United States Code,*
10 *then the individual shall be entitled to lawfully oper-*
11 *ate an uninspected passenger vessel on Lake Texoma*
12 *in Texas and Oklahoma without further requirement*
13 *to hold an additional operator's license.*

14 *(d) TERMINATION.—*

15 *(1) If—*

16 *(A) the Secretary finds that the State plan*
17 *for the licensing the operators of uninspected*
18 *passenger vessels—*

19 *(i) does not meet the equivalent stand-*
20 *ards of safety and protection of the environ-*
21 *ment as those contained in subtitle II of*
22 *title 46, United States Code, and regula-*
23 *tions issued thereunder;*

24 *(ii) does not include—*

1 (I) *standards for chemical testing*
2 *for such operators,*

3 (II) *physical standards for such*
4 *operators,*

5 (III) *professional service and*
6 *training requirements for such opera-*
7 *tors, or*

8 (IV) *background and criminal in-*
9 *vestigations for such operators;*

10 (iii) *does not provide for the suspen-*
11 *sion and revocation of State licenses; or*

12 (iv) *does not make an individual, who*
13 *is ineligible for a license issued under title*
14 *46, United States Code, ineligible for a*
15 *State license; or*

16 (B) *the Governor (or the Governor's des-*
17 *ignee) fails to report pursuant to subsection (b),*
18 *the Secretary shall terminate the agreement author-*
19 *ized by this section, provided that the Secretary pro-*
20 *vides written notice to the Governor of the State 60*
21 *days in advance of termination. The findings of fact*
22 *and conclusions of the Secretary, if based on a pre-*
23 *ponderance of the evidence, shall be conclusive.*

24 (2) *The Governor of the State may terminate the*
25 *agreement authorized by this section, provided that*

1 *the Governor provides written notice to the Secretary*
2 *60 days in advance of the termination date.*

3 *(e) EXISTING AUTHORITY.—Nothing in this section*
4 *shall affect or diminish the authority or jurisdiction of any*
5 *Federal or State officer to investigate, or require reporting*
6 *of, marine casualties.*

7 *(f) DEFINITIONS.—For the purposes of this section, the*
8 *term “uninspected passenger vessel” has the same meaning*
9 *such term has in section 2101(42)(B) of title 46, United*
10 *States Code.*

11 **SEC. 911. STRATEGY REGARDING DRUG TRAFFICKING VES-**
12 **SELS.**

13 *Within 180 days after the date of enactment of this*
14 *Act, the Secretary of the department in which the Coast*
15 *Guard is operating, acting through the Commandant of the*
16 *Coast Guard, shall submit a report to Congress on its com-*
17 *prehensive strategy to combat the illicit flow of narcotics,*
18 *weapons, bulk cash, and other contraband through the use*
19 *of submersible and semi-submersible vessels. The strategy*
20 *shall be developed in coordination with other Federal agen-*
21 *cies engaged in detection, interdiction, or apprehension of*
22 *such vessels. At a minimum, the report shall include the*
23 *following:*

24 *(1) An assessment of the threats posed by sub-*
25 *mersible and semi-submersible vessels, including the*

1 *number of such vessels that have been detected or*
 2 *interdicted.*

3 *(2) Information regarding the Federal personnel,*
 4 *technology and other resources available to detect and*
 5 *interdict such vessels.*

6 *(3) An explanation of the Coast Guard's plan,*
 7 *working with other Federal agencies as appropriate,*
 8 *to detect and interdict such vessels.*

9 *(4) An assessment of additional personnel, tech-*
 10 *nology, or other resources necessary to address such*
 11 *vessels.*

12 **SEC. 912. USE OF FORCE AGAINST PIRACY.**

13 *(a) IN GENERAL.—Chapter 81 of title 46, United*
 14 *States Code, is amended by adding at the end the following*
 15 *new section:*

16 **“§ 8107. Use of force against piracy**

17 *“(a) LIMITATION ON LIABILITY.—An owner, operator,*
 18 *time charterer, master, mariner, or individual who uses*
 19 *force or authorizes the use of force to defend a vessel of the*
 20 *United States against an act of piracy shall not be liable*
 21 *for monetary damages for any injury or death caused by*
 22 *such force to any person engaging in an act of piracy if*
 23 *such force was in accordance with standard rules for the*
 24 *use of force in self-defense of vessels prescribed by the Sec-*
 25 *retary.*

1 “(b) *PROMOTION OF COORDINATED ACTION.*—To carry
 2 out the purpose of this section, the Secretary of the depart-
 3 ment in which the Coast Guard is operating shall work
 4 through the International Maritime Organization to estab-
 5 lish agreements to promote coordinated action among flag-
 6 and port-states to deter, protect against, and rapidly re-
 7 spond to piracy against the vessels of, and in the waters
 8 under the jurisdiction of, those nations, and to ensure limi-
 9 tations on liability similar to those established by sub-
 10 section (a).

11 “(c) *DEFINITION.*—For the purpose of this section, the
 12 term ‘act of piracy’ means any act of aggression, search,
 13 restraint, depredation, or seizure attempted against a vessel
 14 of the United States by an individual not authorized by
 15 the United States, a foreign government, or an inter-
 16 national organization recognized by the United States to
 17 enforce law on the high seas.”.

18 (b) *CLERICAL AMENDMENT.*—The analysis at the be-
 19 ginning of such chapter is amended by adding at the end
 20 the following new item:

“8107. Use of force against piracy.”.

21 (c) *STANDARD RULES FOR THE USE OF FORCE FOR*
 22 *SELF-DEFENSE OF VESSELS OF THE UNITED STATES.*—
 23 Not later than 180 days after the date of enactment of this
 24 act, the secretary of the department in which the coast
 25 guard is operating, in consultation with representatives of

1 *industry and labor, shall develop standard rules for the use*
 2 *of force for self-defense of vessels of the United States.*

3 **SEC. 913. TECHNICAL AMENDMENTS TO CHAPTER 313 OF**
 4 **TITLE 46, UNITED STATES CODE.**

5 (a) *IN GENERAL.*—Chapter 313 of title 46, United
 6 States Code, is amended—

7 (1) *by striking “of Transportation” in sections*
 8 *31302, 31306, 31321, 31330, and 31343 each place it*
 9 *appears;*

10 (2) *by striking “and” after the semicolon in sec-*
 11 *tion 31301(5)(F);*

12 (3) *by striking “office.” in section 31301(6) and*
 13 *inserting “office; and”; and*

14 (4) *by adding at the end of section 31301 the fol-*
 15 *lowing:*

16 “(7) ‘Secretary’ means the Secretary of the De-
 17 partment of Homeland Security, unless otherwise
 18 noted.”.

19 (b) *SECRETARY AS MORTGAGEE.*—Section 31308 of
 20 such title is amended by striking “When the Secretary of
 21 Commerce or Transportation is a mortgagee under this
 22 chapter, the Secretary” and inserting “The Secretary of
 23 Commerce or Transportation, as a mortgagee under this
 24 chapter,”.

1 (c) *SECRETARY OF TRANSPORTATION.*—Section
 2 31329(d) of such title is amended by striking “Secretary.”
 3 and inserting “Secretary of Transportation.”.

4 (d) *MORTGAGEE.*—

5 (1) Section 31330(a)(1) of such title, as amended
 6 by subsection (a)(1) of this section, is amended—

7 (A) by inserting “or” after the semicolon in
 8 subparagraph (B);

9 (B) by striking “Secretary; or” in subpara-
 10 graph (C) and inserting “Secretary.”; and

11 (C) by striking subparagraph (D).

12 (2) Section 31330(a)(2) is amended—

13 (A) by inserting “or” after the semicolon in
 14 subparagraph (B);

15 (B) by striking “faith; or” in subparagraph
 16 (C) and inserting “faith.”; and

17 (C) by striking subparagraph (D).

18 **SEC. 914. CONVEYANCE OF COAST GUARD VESSELS FOR**
 19 **PUBLIC PURPOSES.**

20 (a) *IN GENERAL.*—Whenever the transfer of ownership
 21 of a Coast Guard vessel or aircraft to an eligible entity for
 22 use for educational, cultural, historical, charitable, rec-
 23 reational, or other public purposes is authorized by law or
 24 declared excess by the Commandant, the Coast Guard shall

1 *transfer the vessel or aircraft to the General Services Ad-*
2 *ministration for conveyance to the eligible entity.*

3 (b) *CONDITIONS OF CONVEYANCE.—The General Serv-*
4 *ices Administration may not convey a vessel or aircraft to*
5 *an eligible entity as authorized by law unless the eligible*
6 *entity agrees—*

7 (1) *to provide the documentation needed by the*
8 *General Services Administration to process a request*
9 *for aircraft or vessels under section 102.37.225 of title*
10 *41, Code of Federal Regulations;*

11 (2) *to comply with the special terms, conditions,*
12 *and restrictions imposed on aircraft and vessels under*
13 *section 102.37.460 of such title;*

14 (3) *to make the vessel available to the United*
15 *States Government if it is needed for use by the Com-*
16 *mandant of the Coast Guard in time of war or a na-*
17 *tional emergency; and*

18 (4) *to hold the United States Government harm-*
19 *less for any claims arising from exposure to haz-*
20 *ardous materials, including asbestos and poly-*
21 *chlorinated biphenyls, that occurs after conveyance of*
22 *the vessel, except for claims arising from use of the*
23 *vessel by the United States Government under para-*
24 *graph (3).*

1 (c) *OTHER OBLIGATIONS UNAFFECTED.*—Nothing in
 2 this section amends or affects any obligation of the Coast
 3 Guard or any other person under the Toxic Substances Con-
 4 trol Act (15 U.S.C. 2601 et seq.) or any other law regarding
 5 use or disposal of hazardous materials including asbestos
 6 and polychlorinated biphenyls.

7 (d) *ELIGIBLE ENTITY DEFINED.*—In this section, the
 8 term “eligible entity” means a State or local government,
 9 nonprofit corporation, educational agency, community de-
 10 velopment organization, or other entity that agrees to com-
 11 ply with the conditions established under this section.

12 **SEC. 915. ASSESSMENT OF CERTAIN AIDS TO NAVIGATION**
 13 **AND TRAFFIC FLOW.**

14 (a) *INFORMATION ON USAGE.*—Within 60 days after
 15 the date of enactment of this Act, the Commandant of the
 16 Coast Guard shall—

17 (1) *determine the types and numbers of vessels*
 18 *typically transiting or utilizing that portion of the*
 19 *Atlantic Intracoastal Waterway beginning at a point*
 20 *that is due East of the outlet of the Cutler Drain*
 21 *Canal C-100 in Dade County, Florida, and ending at*
 22 *the Dade County line, during a period of 30 days;*
 23 *and*

24 (2) *provide the information on usage compiled*
 25 *under this subsection to the Senate Committee on*

1 *Commerce, Science, and Transportation and the*
 2 *House of Representatives Committee on Transpor-*
 3 *tation and Infrastructure.*

4 *(b) ASSESSMENT OF CERTAIN AIDS TO NAVIGATION.—*
 5 *Within 90 days after the date of enactment of this Act, the*
 6 *Commandant of the Coast Guard shall—*

7 *(1) review and assess the buoys, markers, and*
 8 *other aids to navigation in and along that portion of*
 9 *the Atlantic Intracoastal Waterway specified in sub-*
 10 *section (a), to determine the adequacy and sufficiency*
 11 *of such aids, and the need to replace such aids, install*
 12 *additional aids, or both; and*

13 *(2) submit a report on the assessment required*
 14 *by this section to the committees.*

15 *(c) SUBMISSION OF PLAN.—Within 180 days after the*
 16 *date of enactment of this Act, the Commandant shall submit*
 17 *a plan to the committees to address the needs identified*
 18 *under subsection (b).*

19 **SEC. 916. FRESNEL LENS FROM PRESQUE ISLE LIGHT STA-**
 20 **TION IN PRESQUE ISLE, MICHIGAN.**

21 *(a) DETERMINATION; ANALYSES.—*

22 *(1) DETERMINATION.—The Commandant of the*
 23 *Coast Guard shall determine the necessity and ade-*
 24 *quacy of the existing Federal aids to navigation at*
 25 *Presque Isle Light Station, Presque Isle, Michigan*

1 *(hereinafter “Light Station”), and submit such deter-*
2 *mination to the Committee on Transportation and*
3 *Infrastructure of the House of Representatives and the*
4 *Committee on Commerce, Science, and Transpor-*
5 *tation of the Senate. The Commandant may base such*
6 *determination on the Waterways Analysis and Man-*
7 *agement System study of such Federal aid to naviga-*
8 *tion, provided that such study was completed not*
9 *more than 1 year prior to the date of enactment of*
10 *this section.*

11 (2) *ANALYSES.—The Commandant of the Coast*
12 *Guard shall conduct—*

13 (A) *an analysis of the feasibility of restor-*
14 *ing the Fresnel Lens from the Light Station to*
15 *operating condition, the capacity of the Coast*
16 *Guard to maintain the Fresnel Lens as a Fed-*
17 *eral aid to navigation, and the impact on the*
18 *Fresnel Lens as an artifact if used as a Federal*
19 *aid to navigation; and*

20 (B) *a comparative analysis of the cost of re-*
21 *storing, reinstalling, operating, and maintaining*
22 *the Fresnel Lens (including life-cycle costs) and*
23 *the cost of operating and maintaining the exist-*
24 *ing Federal aid to navigation at the Light Sta-*
25 *tion (including life-cycle costs).*

1 (3) *SUBMISSION.*—*Not later than 1 year after*
2 *the date of enactment of this section, the Com-*
3 *mandant of the Coast Guard shall submit the deter-*
4 *mination and analyses, conducted pursuant to this*
5 *subsection, to the Committee on Transportation and*
6 *Infrastructure of the House of Representatives and the*
7 *Committee on Commerce, Science, and Transpor-*
8 *tation of the Senate.*

9 (b) *TRANSFER POSSESSION OF LENS AUTHORIZED.*—

10 (1) *TRANSFER OF POSSESSION.*—*Notwith-*
11 *standing any other provision of law, the Com-*
12 *mandant of the Coast Guard may transfer to the*
13 *Township of Presque Isle, Michigan (hereinafter*
14 *“Township”), possession of the Fresnel Lens from the*
15 *Light Station for the purpose of conserving and dis-*
16 *playing such Fresnel Lens as an artifact in an exhi-*
17 *bition facility at or near the Light Station.*

18 (2) *CONDITION.*—*As a condition of the transfer*
19 *of possession pursuant to paragraph (1)—*

20 (A) *all Federal aids to navigation located*
21 *at, on, or in the Light Station in operation on*
22 *the date of transfer of possession shall remain the*
23 *personal property of the United States and con-*
24 *tinue to be operated and maintained by the*

1 *United States for as long as needed for naviga-*
2 *tional purposes;*

3 *(B) there is reserved to the United States*
4 *the right to maintain, remove, replace, or install*
5 *any Federal aid to navigation located at, on, or*
6 *in the Light Station as may be necessary for*
7 *navigational purposes; and*

8 *(C) the Township shall neither interfere nor*
9 *allow interference in any manner with any Fed-*
10 *eral aid to navigation, nor hinder activities re-*
11 *quired for the operation and maintenance of any*
12 *Federal aid to navigation.*

13 *(3) ALTERNATIVE DISPLAY.—*

14 *(A) In the event that—*

15 *(i) the Commandant of the Coast*
16 *Guard, pursuant to a Waterways Analysis*
17 *and Management System study, discon-*
18 *tinues the existing Federal aids to naviga-*
19 *tion at, on, or in the Light Station; and*

20 *(ii) the Township demonstrates to the*
21 *satisfaction of the Commandant that the*
22 *Township can restore, reinstall, and display*
23 *the Fresnel Lens from the Light Station in*
24 *the lantern room of such Light Station in*

1 *a manner that conserves such Fresnel Lens*
2 *as an artifact,*
3 *the Township is authorized, notwithstanding*
4 *paragraph (1), to display such Fresnel Lens in*
5 *the lantern room of such Light Station.*

6 *(B) Nothing in this paragraph shall be con-*
7 *strued to prevent the Township from installing a*
8 *replica of the Fresnel Lens in the lantern room*
9 *of such Light Station.*

10 *(c) CONVEYANCE, TRANSFER OF ADDITIONAL PER-*
11 *SONAL PROPERTY.—Notwithstanding any other provision*
12 *of law, the Commandant may convey or transfer possession*
13 *of any personal property of the United States, pertaining*
14 *to the Fresnel Lens or the Light Station, as an artifact to*
15 *the Township.*

16 *(d) TERMS; REVERSIONARY INTEREST.—As a condi-*
17 *tion of transfer of possession of personal property of the*
18 *United States, pursuant to subsection (c), the Commandant*
19 *may require the Township to comply with terms and condi-*
20 *tions necessary to protect and conserve such personal prop-*
21 *erty. Upon notice that the Commandant has determined*
22 *that the Township has not complied with such terms and*
23 *conditions, the Township shall immediately transfer posses-*
24 *sion of such personal property to the Coast Guard, except*
25 *to the extent otherwise approved by the Commandant.*

1 (e) *CONVEYANCE WITHOUT CONSIDERATION.*—*The*
2 *conveyance or transfer of possession of any personal prop-*
3 *erty of the United States (including the Fresnel Lens) under*
4 *this section shall be without consideration.*

5 (f) *DELIVERY OF PROPERTY.*—*The Commandant shall*
6 *deliver any personal property, conveyed or transferred pur-*
7 *suant to this section (including the Fresnel Lens)—*

8 (1) *at the place where such property is located*
9 *on the date of the conveyance;*

10 (2) *in condition on the date of conveyance; and*

11 (3) *without cost to the United States.*

12 (g) *MAINTENANCE OF PROPERTY.*—*As a condition of*
13 *the transfer of possession of the Fresnel Lens and any other*
14 *personal property of the United States to the Township*
15 *under this section, the Commandant shall enter into an*
16 *agreement with the Township under which the Township*
17 *agrees to hold the United States harmless for any claim*
18 *arising with respect to the Fresnel Lens or such personal*
19 *property.*

20 (h) *LIMITATION ON FUTURE TRANSFERS.*—*The instru-*
21 *ments providing for the transfer of possession of the Fresnel*
22 *Lens or any other personal property of the United States*
23 *under this section shall—*

24 (1) *require that any further transfer of an inter-*
25 *est in the Fresnel Lens or personal property may not*

1 *be made without the advance approval of the Com-*
 2 *mandant; and*

3 *(2) provide that, if the Commandant determines*
 4 *that an interest in the Fresnel Lens or personal prop-*
 5 *erty was transferred without such approval—*

6 *(A) all right, title, and interest in the*
 7 *Fresnel Lens or personal property shall revert to*
 8 *the United States, and the United States shall*
 9 *have the right to immediate possession of the*
 10 *Fresnel Lens or personal property; and*

11 *(B) the recipient of the Fresnel Lens or per-*
 12 *sonal property shall pay the United States for*
 13 *costs incurred by the United States in recovering*
 14 *the Fresnel Lens or personal property.*

15 *(i) ADDITIONAL TERMS AND CONDITIONS.—The Com-*
 16 *mandant may require such additional terms and conditions*
 17 *in connection with the conveyance or transfer of personal*
 18 *property of the United States (including the Fresnel Lens)*
 19 *authorized by this section as the Commandant considers ap-*
 20 *propriate to protect the interests of the United States.*

21 **SEC. 917. MARITIME LAW ENFORCEMENT.**

22 *(a) PENALTIES.—Section 2237(b) of title 18, United*
 23 *States Code, is amended to read as follows:*

24 *“(b) Whoever knowingly violates this section shall—*

1 “(1) if the offense results in death or involves
2 *kidnapping, an attempt to kidnap or kill, conduct re-*
3 *quired for an offense or an attempt to commit an of-*
4 *fense, under section 2241 (relating to aggravated sex-*
5 *ual abuse) without regard to where it takes place, or*
6 *an attempt to kill, be fined under this title or impris-*
7 *oned for any term of years or life, or both;*

8 “(2) if the offense results in serious bodily injury
9 *(as defined in section 1365), be fined under this title*
10 *or imprisoned for not more than 15 years, or both;*

11 “(3) if the offense involves knowing transpor-
12 *tation under inhumane conditions and is committed*
13 *in the course of a violation of section 274 of the Im-*
14 *migration and Nationality Act; chapter 77 or section*
15 *111, 111A, 113, or 117 of this title; chapter 705 of*
16 *title 46; or title II of the Act of June 15, 1917 (Chap-*
17 *ter 30; 40 Stat. 220), be fined under this title or im-*
18 *prisoned for not more than 15 years, or both; and*

19 “(4) in any other case, be fined under this title
20 *or imprisoned for not more than 5 years, or both.”.*

21 (b) *DEFINITION.*—Section 2237(e) of title 18, United
22 *States Code is amended—*

23 (1) *by amending paragraph (3) to read as fol-*
24 *lows:*

1 “(3) the term ‘vessel subject to the jurisdiction of
2 the United States’ has the meaning given the term in
3 section 70502 of title 46;”;

4 (2) in paragraph (4), by striking “section 2 of
5 the Maritime Drug Law Enforcement Act (46 U.S.C.
6 App. 1903).” and inserting “section 70502 of title 46;
7 and”; and

8 (3) by adding at the end the following new para-
9 graph:

10 “(5) the term ‘transportation under inhumane
11 conditions’ means—

12 “(A) transportation—

13 “(i) of one or more persons in an en-
14 gine compartment, storage compartment, or
15 other confined space;

16 “(ii) at an excessive speed; or

17 “(iii) of a number of persons in excess
18 of the rated capacity of the vessel; or

19 “(B) intentional grounding of a vessel in
20 which persons are being transported.”.

21 **SEC. 918. CAPITAL INVESTMENT PLAN.**

22 The Commandant of the Coast Guard shall submit to
23 the Committee on Transportation and Infrastructure and
24 the Committee on Commerce, Science, and Transportation
25 of the Senate the Coast Guard’s 5-year capital investment

1 *plan concurrent with the President's budget submission for*
2 *each fiscal year.*

3 **SEC. 919. REPORTS.**

4 *Notwithstanding any other provision of law, in fiscal*
5 *year 2011 the total amount of appropriated funds obligated*
6 *or expended by the Coast Guard during any fiscal year in*
7 *connection with any study or report required by law may*
8 *not exceed the total amount of appropriated funds obligated*
9 *or expended by the Coast Guard for such purpose in fiscal*
10 *year 2010. In order to comply with the requirements of this*
11 *limitation, the Commandant of the Coast Guard shall estab-*
12 *lish for each fiscal year a rank order of priority for studies*
13 *and reports that can be conducted or completed during the*
14 *fiscal year consistent with this limitation and shall post*
15 *the list on the Coast Guard's public website.*

16 **SEC. 920. COMPLIANCE PROVISION.**

17 *The budgetary effects of this Act, for purposes of com-*
18 *plying with the Statutory Pay-As-You-Go Act of 2010, shall*
19 *be determined by reference to the latest statement titled*
20 *"Budgetary Effects of PAYGO Legislation" for this Act,*
21 *jointly submitted for printing in the Congressional Record*
22 *by the Chairmen of the House and Senate Budget Commit-*
23 *tees, provided that such statement has been submitted prior*
24 *to the vote on passage in the House acting first on this con-*
25 *ference report or amendments between the Houses.*

1 **SEC. 921. CONVEYANCE OF COAST GUARD PROPERTY IN**
 2 **PORTLAND, MAINE.**

3 *Section 347 of the Maritime Transportation Security*
 4 *Act of 2002 (116 Stat. 2108; as amended by section 706*
 5 *of Public Law 109–347 (120 Stat. 1946)) is amended in*
 6 *subsection (i), by adding at the end the following new para-*
 7 *graph:*

8 “(3) *PUBLIC AQUARIUM.*—*For purposes of this*
 9 *section, the term ‘aquarium’ or ‘public aquarium’ as*
 10 *used in this section or in the deed delivered to the*
 11 *Corporation or any agreement entered into pursuant*
 12 *to this section, means any new building constructed*
 13 *by the Corporation adjacent to the pier and bulkhead*
 14 *in compliance with the waterfront provisions of the*
 15 *City of Portland Code of Ordinances.”.*

16 **TITLE X—CLEAN HULLS**
 17 **Subtitle A—General Provisions**

18 **SEC. 1011. DEFINITIONS.**

19 *In this title:*

20 (1) *ADMINISTRATOR.*—*The term “Adminis-*
 21 *trator” means the Administrator of the Environ-*
 22 *mental Protection Agency.*

23 (2) *ANTIFOULING SYSTEM.*—*The term*
 24 *“antifouling system” means a coating, paint, surface*
 25 *treatment, surface, or device that is used or intended*

1 *to be used on a vessel to control or prevent attachment*
2 *of unwanted organisms.*

3 (3) CONVENTION.—*The term “Convention”*
4 *means the International Convention on the Control of*
5 *Harmful Anti-Fouling Systems on Ships, 2001, in-*
6 *cluding its annexes, and including any amendments*
7 *to the Convention or annexes which have entered into*
8 *force for the United States.*

9 (4) FPSO.—*The term “FPSO” means a floating*
10 *production, storage, or offloading unit.*

11 (5) FSU.—*The term “FSU” means a floating*
12 *storage unit.*

13 (6) GROSS TONNAGE.—*The term “gross tonnage”*
14 *as defined in chapter 143 of title 46, United States*
15 *Code, means the gross tonnage calculated in accord-*
16 *ance with the tonnage measurement regulations con-*
17 *tained in annex 1 to the International Convention on*
18 *Tonnage Measurement of Ships, 1969.*

19 (7) INTERNATIONAL VOYAGE.—*The term “inter-*
20 *national voyage” means a voyage by a vessel entitled*
21 *to fly the flag of one country to or from a port, ship-*
22 *yard, offshore terminal, or other place under the juris-*
23 *diction of another country.*

24 (8) ORGANOTIN.—*The term “organotin” means*
25 *any compound or additive of tin bound to an organic*

1 *ligand, that is used or intended to be used as biocide*
2 *in an antifouling system.*

3 (9) *PERSON.*—*The term “person” means—*

4 (A) *any individual, partnership, associa-*
5 *tion, corporation, or organized group of persons*
6 *whether incorporated or not;*

7 (B) *any department, agency, or instrumen-*
8 *tality of the United States, except as provided in*
9 *section 3(b)(2); or*

10 (C) *any other government entity.*

11 (10) *SECRETARY.*—*The term “Secretary” means*
12 *the Secretary of the department in which the Coast*
13 *Guard is operating.*

14 (11) *SELL OR DISTRIBUTE.*—*The term “sell or*
15 *distribute” means to distribute, sell, offer for sale,*
16 *hold for distribution, hold for sale, hold for shipment,*
17 *ship, deliver for shipment, release for shipment, im-*
18 *port, export, hold for import, hold for export, or re-*
19 *ceive and (having so received) deliver or offer to de-*
20 *live.*

21 (12) *VESSEL.*—*The term “vessel” has the mean-*
22 *ing given that term in section 3 of title 1, United*
23 *States Code, including hydrofoil boats, air cushion*
24 *watercraft, submersibles, floating craft, fixed or float-*

1 *ing platforms, floating storage units, and floating*
2 *production, storage, and offloading units.*

3 (13) *TERRITORIAL SEA.*—*The term “territorial*
4 *sea” means the territorial sea as described in Presi-*
5 *dential Proclamation No. 5928 on December 27, 1988.*

6 (14) *UNITED STATES.*—*The term “United*
7 *States” means the several States of the United States,*
8 *the District of Columbia, Puerto Rico, Guam, Amer-*
9 *ican Samoa, the Virgin Islands, the Commonwealth of*
10 *the Northern Marianas, and any other territory or*
11 *possession over which the United States has jurisdic-*
12 *tion.*

13 (15) *USE.*—*The term “use” includes application,*
14 *reapplication, installation, or any other employment*
15 *of an antifouling system.*

16 **SEC. 1012. COVERED VESSELS.**

17 (a) *INCLUDED VESSEL.*—*Except as provided in sub-*
18 *section (b), after the Convention enters into force for the*
19 *United States, the following vessels are subject to the re-*
20 *quirements of this title:*

21 (1) *A vessel documented under chapter 121 of*
22 *title 46, United States Code, or one operated under*
23 *the authority of the United States, wherever located.*

24 (2) *Any vessel permitted by a Federal agency to*
25 *operate on the Outer Continental Shelf.*

1 (3) *Any other vessel when—*

2 (A) *in the internal waters of the United*
3 *States;*

4 (B) *in any port, shipyard, offshore ter-*
5 *minal, or other place in the United States;*

6 (C) *lightering in the territorial sea; or*

7 (D) *to the extent consistent with inter-*
8 *national law, anchoring in the territorial sea of*
9 *the United States.*

10 (b) *EXCLUDED VESSELS.—*

11 (1) *IN GENERAL.—The following vessels are not*
12 *subject to the requirements of this title:*

13 (A) *Any warship, naval auxiliary, or other*
14 *vessel owned or operated by a foreign state, and*
15 *used, for the time being, only on government*
16 *noncommercial service.*

17 (B) *Except as provided in paragraph (2),*
18 *any warship, naval auxiliary, or other vessel*
19 *owned or operated by the United States and used*
20 *for the time being only on government non-*
21 *commercial service.*

22 (2) *APPLICATION TO UNITED STATES GOVERN-*
23 *MENT VESSELS.—*

24 (A) *IN GENERAL.—The Administrator may*
25 *apply any requirement of this title to one or*

1 *more classes of vessels described in paragraph*
2 *(1)(B), if the head of the Federal department or*
3 *agency under which those vessels operate concurs*
4 *in that application.*

5 *(B) LIMITATION FOR COMBAT-RELATED*
6 *VESSEL.—Subparagraph (A) shall not apply to*
7 *combat-related vessels.*

8 **SEC. 1013. ADMINISTRATION AND ENFORCEMENT.**

9 *(a) IN GENERAL.—Unless otherwise specified in this*
10 *title, with respect to a vessel, the Secretary shall administer*
11 *and enforce the Convention and this title.*

12 *(b) ADMINISTRATOR.—Except with respect to section*
13 *1031(b) and (c), the Administrator shall administer and*
14 *enforce subtitle C.*

15 *(c) REGULATIONS.—The Administrator and the Sec-*
16 *retary may each prescribe and enforce regulations as may*
17 *be necessary to carry out their respective responsibilities*
18 *under this title.*

19 **SEC. 1014. COMPLIANCE WITH INTERNATIONAL LAW.**

20 *Any action taken under this title shall be taken in ac-*
21 *cordance with treaties to which the United States is a party*
22 *and other international obligations of the United States.*

1 **SEC. 1015. UTILIZATION OF PERSONNEL, FACILITIES OR**
2 **EQUIPMENT OF OTHER FEDERAL DEPART-**
3 **MENTS AND AGENCIES.**

4 *The Secretary and the Administrator may utilize by*
5 *agreement, with or without reimbursement, personnel, fa-*
6 *cilities, or equipment of other Federal departments and*
7 *agencies in administering the Convention, this title, or any*
8 *regulations prescribed under this title.*

9 ***Subtitle B—Implementation of the***
10 ***Convention***

11 **SEC. 1021. CERTIFICATES.**

12 *(a) CERTIFICATE REQUIRED.—On entry into force of*
13 *the Convention for the United States, any vessel of at least*
14 *400 gross tons that engages in one or more international*
15 *voyages (except fixed or floating platforms, FSUs, and*
16 *FPSOs) shall carry an International Antifouling System*
17 *Certificate.*

18 *(b) ISSUANCE OF CERTIFICATE.—On entry into force*
19 *of the Convention, on a finding that a successful survey re-*
20 *quired by the Convention has been completed, a vessel of*
21 *at least 400 gross tons that engages in at least one inter-*
22 *national voyage (except fixed or floating platforms, FSUs,*
23 *and FPSOs) shall be issued an International Antifouling*
24 *System Certificate. The Secretary may issue the Certificate*
25 *required by this section. The Secretary may delegate this*

1 *authority to an organization that the Secretary determines*
 2 *is qualified to undertake that responsibility.*

3 (c) *MAINTENANCE OF CERTIFICATE.*—*The Certificate*
 4 *required by this section shall be maintained as required by*
 5 *the Secretary.*

6 (d) *CERTIFICATES ISSUED BY OTHER PARTY COUN-*
 7 *TRIES.*—*A Certificate issued by any country that is a party*
 8 *to the Convention has the same validity as a Certificate*
 9 *issued by the Secretary under this section.*

10 (e) *VESSELS OF NONPARTY COUNTRIES.*—*Notwith-*
 11 *standing subsection (a), a vessel of at least 400 gross tons,*
 12 *having the nationality of or entitled to fly the flag of a*
 13 *country that is not a party to the Convention, may dem-*
 14 *onstrate compliance with this title through other appro-*
 15 *priate documentation considered acceptable by the Sec-*
 16 *retary.*

17 **SEC. 1022. DECLARATION.**

18 (a) *REQUIREMENTS.*—*On entry into force of the Con-*
 19 *vention for the United States, a vessel of at least 24 meters*
 20 *in length, but less than 400 gross tons engaged on an inter-*
 21 *national voyage (except fixed or floating platforms, FSUs,*
 22 *and FPSOs) must carry a declaration described in sub-*
 23 *section (b) that is signed by the owner or owner's authorized*
 24 *agent. That declaration shall be accompanied by appro-*

1 *priate documentation, such as a paint receipt or a con-*
 2 *tractor invoice, or contain an appropriate endorsement.*

3 (b) *CONTENT OF DECLARATION.*—*The declaration*
 4 *must contain a clear statement that the antifouling system*
 5 *on the vessel complies with the Convention. The Secretary*
 6 *may prescribe the form and other requirements of the dec-*
 7 *laration.*

8 **SEC. 1023. OTHER COMPLIANCE DOCUMENTATION.**

9 *In addition to the requirements under sections 1021*
 10 *and 1022, the Secretary may require vessels to hold other*
 11 *documentation considered necessary to verify compliance*
 12 *with this title.*

13 **SEC. 1024. PROCESS FOR CONSIDERING ADDITIONAL CON-**
 14 **TROLS.**

15 (a) *ACTIONS BY ADMINISTRATOR.*—*The Administrator*
 16 *may—*

17 (1) *participate in the technical group described*
 18 *in Article 7 of the Convention, and in any other body*
 19 *convened pursuant to the Convention for the consider-*
 20 *ation of new or additional controls on antifouling*
 21 *systems;*

22 (2) *evaluate any risks of adverse effects on non-*
 23 *target organisms or human health presented by a*
 24 *given antifouling system such that the amendment of*
 25 *annex 1 of the Convention may be warranted;*

1 (3) *undertake an assessment of relevant environ-*
2 *mental, technical, and economic considerations nec-*
3 *essary to evaluate any proposals for new or addi-*
4 *tional controls of antifouling systems under the Con-*
5 *vention, including benefits in the United States and*
6 *elsewhere associated with the production and use in*
7 *the United States and elsewhere, of the subject*
8 *antifouling system; and*

9 (4) *develop recommendations based on that as-*
10 *essment.*

11 (b) *REFERRALS TO TECHNICAL GROUP.—*

12 (1) *CONVENING OF SHIPPING COORDINATING*
13 *COMMITTEE.—On referral of any antifouling system*
14 *to the technical group described in article 7 of the*
15 *Convention for consideration of new or additional*
16 *controls, the Secretary of State shall convene a public*
17 *meeting of the Shipping Coordinating Committee for*
18 *the purpose of receiving information and comments*
19 *regarding controls on such antifouling system. The*
20 *Secretary of State shall publish advance notice of*
21 *such meeting in the Federal Register and on the State*
22 *Department's Web site. The Administrator shall as-*
23 *semble and maintain a public docket containing no-*
24 *tices pertaining to that meeting, any comments re-*

1 *sponding to those notices, the minutes of that meeting,*
 2 *and materials presented at that meeting.*

3 (2) *REPORT BY TECHNICAL GROUP.*—*The Ad-*
 4 *ministrator shall promptly make any report by the*
 5 *technical group described in the Convention available*
 6 *to the public through the docket established pursuant*
 7 *to subsection (b) and announce the availability of*
 8 *that report in the Federal Register. The Adminis-*
 9 *trator shall provide an opportunity for public com-*
 10 *ment on the report for a period of not less than 30*
 11 *days from the time the availability of the report is*
 12 *announced in the Federal Register.*

13 (3) *CONSIDERATION OF COMMENTS.*—*To the ex-*
 14 *tent practicable, the Administrator shall take any*
 15 *comments into consideration in developing rec-*
 16 *ommendations under subsection (a).*

17 **SEC. 1025. SCIENTIFIC AND TECHNICAL RESEARCH AND**
 18 **MONITORING; COMMUNICATION AND INFOR-**
 19 **MATION.**

20 *The Secretary, the Administrator, and the Adminis-*
 21 *trator of the National Oceanic and Atmospheric Adminis-*
 22 *tration may each undertake scientific and technical re-*
 23 *search and monitoring pursuant to article 8 of the Conven-*
 24 *tion and to promote the availability of relevant information*
 25 *concerning—*

1 (1) *scientific and technical activities undertaken*
 2 *in accordance with the Convention;*

3 (2) *marine scientific and technological programs*
 4 *and their objectives; and*

5 (3) *the effects observed from any monitoring and*
 6 *assessment programs relating to antifouling systems.*

7 **SEC. 1026. COMMUNICATION AND EXCHANGE OF INFORMA-**
 8 **TION.**

9 (a) *IN GENERAL.*—*Except as provided in subsection*
 10 *(b), with respect to those antifouling systems regulated by*
 11 *the Administrator, the Administrator shall provide to any*
 12 *party to the Convention that requests it, relevant informa-*
 13 *tion on which the decision to regulate was based, including*
 14 *information provided for in annex 3 to the Convention, or*
 15 *other information suitable for making an appropriate eval-*
 16 *uation of the antifouling system.*

17 (b) *LIMITATION.*—*This section shall not be construed*
 18 *to authorize the provision of information the disclosure of*
 19 *which is otherwise prohibited by law.*

20 **Subtitle C—Prohibitions and**
 21 **Enforcement Authority**

22 **SEC. 1031. PROHIBITIONS.**

23 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
 24 *sion of law, it is unlawful for any person—*

1 (1) *to act in violation of this title, or any regu-*
2 *lation prescribed under this title;*

3 (2) *to sell or distribute in domestic or inter-*
4 *national commerce organotin or an antifouling sys-*
5 *tem containing organotin;*

6 (3) *to manufacture, process, or use organotin to*
7 *formulate an antifouling system;*

8 (4) *to apply an antifouling system containing*
9 *organotin on any vessel to which this title applies; or*

10 (5) *after the Convention enters into force for the*
11 *United States, to apply or otherwise use in a manner*
12 *inconsistent with the Convention, an antifouling sys-*
13 *tem on any vessel that is subject to this title.*

14 (b) *VESSEL HULLS.—Except as provided in subsection*
15 *(c), no vessel shall bear on its hull or outer surface any*
16 *antifouling system containing organotin, regardless of when*
17 *such system was applied, unless that vessel bears an over-*
18 *coating which forms a barrier to organotin leaching from*
19 *the underlying antifouling system.*

20 (c) *LIMITATIONS.—*

21 (1) *EXCEPTED VESSEL.—Subsection (b) does not*
22 *apply to fixed or floating platforms, FSUs, or FPSOs*
23 *that were constructed prior to January 1, 2003, and*
24 *that have not been in dry dock on or after that date.*

1 (2) *SALE, MANUFACTURE, ETC.*—*This section*
 2 *does not apply to—*

3 (A) *the sale, distribution, or use pursuant*
 4 *to any agreement between the Administrator and*
 5 *any person that results in an earlier prohibition*
 6 *or cancellation date than specified in this title;*
 7 *or*

8 (B) *the manufacture, processing, formula-*
 9 *tion, sale, distribution, or use of organotin or*
 10 *antifouling systems containing organotin used or*
 11 *intended for use only for sonar domes or in con-*
 12 *ductivity sensors in oceanographic instruments.*

13 **SEC. 1032. INVESTIGATIONS AND INSPECTIONS BY SEC-**
 14 **RETARY.**

15 (a) *IN GENERAL.*—*The Secretary may conduct inves-*
 16 *tigations and inspections regarding a vessel's compliance*
 17 *with this title or the Convention.*

18 (b) *VIOLATIONS; SUBPOENAS.*—*In any investigation*
 19 *under this section, the Secretary may issue subpoenas to*
 20 *require the attendance of witnesses and the production of*
 21 *documents and other evidence. In case of refusal to obey*
 22 *a subpoena issued to any person, the Secretary may request*
 23 *the Attorney General to invoke the aid of the appropriate*
 24 *district court of the United States to compel compliance.*

1 (c) *FURTHER ACTION.*—On completion of an inves-
 2 tigation, the Secretary may take whatever further action
 3 the Secretary considers appropriate under the Convention
 4 or this title.

5 (d) *COOPERATION.*—The Secretary may cooperate with
 6 other parties to the Convention in the detection of violations
 7 and in enforcement of the Convention. Nothing in this sec-
 8 tion affects or alters requirements under any other laws.

9 **SEC. 1033. EPA ENFORCEMENT.**

10 (a) *INSPECTIONS, SUBPOENAS.*—

11 (1) *IN GENERAL.*—For purposes of enforcing this
 12 title or any regulation prescribed under this title, offi-
 13 cers or employees of the Environmental Protection
 14 Agency or of any State designated by the Adminis-
 15 trator may enter at reasonable times any location
 16 where there is being held or may be held organotin or
 17 any other substance or antifouling system regulated
 18 under the Convention, for the purpose of inspecting
 19 and obtaining samples of any containers or labeling
 20 for organotin or other substance or system regulated
 21 under the Convention.

22 (2) *SUBPOENAS.*—In any investigation under
 23 this section the Administrator may issue subpoenas to
 24 require the attendance of any witness and the produc-
 25 tion of documents and other evidence. In case of re-

1 *fusal to obey such a subpoena, the Administrator may*
2 *request the Attorney General to compel compliance.*

3 **(b) STOP MANUFACTURE, SALE, USE, OR REMOVAL**
4 **ORDERS.**—*Consistent with section 1013, whenever any*
5 *organotin or other substance or system regulated under the*
6 *Convention is found by the Administrator and there is rea-*
7 *son to believe that a manufacturer, seller, distributor, or*
8 *user has violated or is in violation of any provision of this*
9 *title, or that such organotin or other substance or system*
10 *regulated under the Convention has been or is intended to*
11 *be manufactured, distributed, sold, or used in violation of*
12 *this title, the Administrator may issue a stop manufacture,*
13 *sale, use, or removal order to any person that owns, con-*
14 *trols, or has custody of such organotin or other substance*
15 *or system regulated under the Convention. After receipt of*
16 *that order the person may not manufacture, sell, distribute,*
17 *use, or remove the organotin or other substance or system*
18 *regulated under the Convention described in the order ex-*
19 *cept in accordance with the order.*

20 **SEC. 1034. ADDITIONAL AUTHORITY OF THE ADMINIS-**
21 **TRATOR.**

22 *The Administrator, in consultation with the Secretary,*
23 *may establish, as necessary, terms and conditions regarding*
24 *the removal and disposal of antifouling systems prohibited*
25 *or restricted under this title.*

1 ***Subtitle D—Action on Violation,***
2 ***Penalties, and Referrals***

3 ***SEC. 1041. CRIMINAL ENFORCEMENT.***

4 *Any person who knowingly violates paragraph (2), (3),*
5 *(4), or (5) of section 1031(a) or section 1031(b) shall be*
6 *fined under title 18, United States Code, or imprisoned not*
7 *more than 6 years, or both.*

8 ***SEC. 1042. CIVIL ENFORCEMENT.***

9 *(a) CIVIL PENALTY.—*

10 *(1) IN GENERAL.—Any person who is found by*
11 *the Secretary or the Administrator, as appropriate,*
12 *after notice and an opportunity for a hearing, to*
13 *have—*

14 *(A) violated the Convention, this title, or*
15 *any regulation prescribed under this title, is lia-*
16 *ble to the United States Government for a civil*
17 *penalty of not more than \$37,500 for each viola-*
18 *tion; or*

19 *(B) made a false, fictitious, or fraudulent*
20 *statement or representation in any matter in*
21 *which a statement or representation is required*
22 *to be made to the Secretary under the Conven-*
23 *tion, this title, or any regulations prescribed*
24 *under this title, is liable to the United States for*

1 *a civil penalty of not more than \$50,000 for each*
2 *such statement or representation.*

3 (2) *RELATIONSHIP TO OTHER LAW.*—*This sub-*
4 *section shall not limit or affect the authority of the*
5 *Government under section 1001 of title 18, United*
6 *States Code.*

7 (b) *ASSESSMENT OF PENALTY.*—*The amount of the*
8 *civil penalty shall be assessed by the Secretary or Adminis-*
9 *trator, as appropriate, by written notice.*

10 (c) *LIMITATION FOR RECREATIONAL VESSEL.*—*A civil*
11 *penalty imposed under subsection (a) against the owner or*
12 *operator of a recreational vessel, as that term is defined*
13 *in section 2101 of title 46, United States Code, for a viola-*
14 *tion of the Convention, this title, or any regulation pre-*
15 *scribed under this title involving that recreational vessel,*
16 *may not exceed \$5,000 for each violation.*

17 (d) *DETERMINATION OF PENALTY.*—*For purposes of*
18 *penalties under this section, each day of a continuing viola-*
19 *tion constitutes a separate violation. In determining the*
20 *amount of the penalty, the Secretary or Administrator shall*
21 *take into account the nature, circumstances, extent, and*
22 *gravity of the prohibited acts committed and, with respect*
23 *to the violator, the degree of culpability, any history of prior*
24 *offenses, the economic impact of the penalty on the violator,*

1 *the economic benefit to the violator and other matters as*
2 *justice may require.*

3 (e) *REWARD.*—*An amount equal to not more than one-*
4 *half of any civil penalty assessed by the Secretary or Ad-*
5 *ministrator under this section may, subject to the avail-*
6 *ability of appropriations, be paid by the Secretary or Ad-*
7 *ministrator, respectively, to any person who provided infor-*
8 *mation that led to the assessment or imposition of the pen-*
9 *alty.*

10 (f) *REFERRAL TO ATTORNEY GENERAL.*—*If any per-*
11 *son fails to pay a civil penalty assessed under this section*
12 *after it has become final, or comply with an order issued*
13 *under this title, the Secretary or Administrator, as appro-*
14 *priate, may refer the matter to the Attorney General of the*
15 *United States for collection in any appropriate district*
16 *court of the United States.*

17 (g) *COMPROMISE, MODIFICATION, OR REMISSION.*—
18 *Before referring any civil penalty that is subject to assess-*
19 *ment or has been assessed under this section to the Attorney*
20 *General, the Secretary, or Administrator, as appropriate,*
21 *may compromise, modify, or remit, with or without condi-*
22 *tions, the civil penalty.*

23 (h) *NONPAYMENT PENALTY.*—*Any person who fails to*
24 *pay on a timely basis a civil penalty assessed under this*
25 *section shall also be liable to the United States for interest*

1 *on the penalty at an annual rate equal to 11 percent com-*
 2 *pounded quarterly, attorney fees and costs for collection*
 3 *proceedings, and a quarterly nonpayment penalty for each*
 4 *quarter during which such failure to pay persists. That*
 5 *nonpayment penalty shall be in an amount equal to 20 per-*
 6 *cent of the aggregate amount of that person's penalties and*
 7 *nonpayment penalties that are unpaid as of the beginning*
 8 *of that quarter.*

9 **SEC. 1043. LIABILITY IN REM.**

10 *A vessel operated in violation of the Convention, this*
 11 *title, or any regulation prescribed under this title, is liable*
 12 *in rem for any fine imposed under section 18, United States*
 13 *Code, or civil penalty assessed pursuant to section 1042,*
 14 *and may be proceeded against in the United States district*
 15 *court of any district in which the vessel may be found.*

16 **SEC. 1044. VESSEL CLEARANCE OR PERMITS; REFUSAL OR**
 17 **REVOCATION; BOND OR OTHER SURETY.**

18 *If any vessel that is subject to the Convention or this*
 19 *title, or its owner, operator, or person in charge, is liable*
 20 *for a fine or civil penalty under section 1042 or 1043, or*
 21 *if reasonable cause exists to believe that the vessel, its owner,*
 22 *operator, or person in charge may be subject to a fine or*
 23 *civil penalty under section 1042 or 1043, the Secretary may*
 24 *refuse or revoke the clearance required by section 60105 of*
 25 *title 46, United States Code. Clearance may be granted*

1 *upon the filing of a bond or other surety satisfaction to the*
2 *Secretary.*

3 **SEC. 1045. WARNINGS, DETENTIONS, DISMISSALS, EXCLU-**
4 **SION.**

5 *(a) IN GENERAL.—If a vessel is detected to be in viola-*
6 *tion of the Convention, this title, or any regulation pre-*
7 *scribed under this title, the Secretary may warn, detain,*
8 *dismiss, or exclude the vessel from any port or offshore ter-*
9 *minal under the jurisdiction of the United States.*

10 *(b) NOTIFICATIONS.—If action is taken under sub-*
11 *section (a), the Secretary, in consultation with the Sec-*
12 *retary of State, shall make the notifications required by the*
13 *Convention.*

14 **SEC. 1046. REFERRALS FOR APPROPRIATE ACTION BY FOR-**
15 **EIGN COUNTRY.**

16 *Notwithstanding sections 1041, 1042, 1043, and 1045,*
17 *if a violation of the Convention is committed by a vessel*
18 *registered in or of the nationality of a country that is a*
19 *party to the Convention, or by a vessel operated under the*
20 *authority of a country that is a party to the Convention,*
21 *the Secretary, acting in coordination with the Secretary of*
22 *State, may refer the matter to the government of the country*
23 *of the vessel's registry or nationality, or under whose au-*
24 *thority the vessel is operating, for appropriate action, rath-*

1 *er than taking the actions otherwise required or authorized*
2 *by this subtitle.*

3 **SEC. 1047. REMEDIES NOT AFFECTED.**

4 *(a) IN GENERAL.—Nothing in this title limits, denies,*
5 *amends, modifies, or repeals any other remedy available to*
6 *the United States.*

7 *(b) RELATIONSHIP TO STATE AND LOCAL LAW.—Noth-*
8 *ing in this title limits, denies, amends, modifies, or repeals*
9 *any rights under existing law, of any State, territory, or*
10 *possession of the United States, or any political subdivision*
11 *thereof, to regulate any antifouling system. Compliance*
12 *with the requirements of a State, territory, or possession*
13 *of the United States, or political subdivision thereof related*
14 *to antifouling paint or any other antifouling system does*
15 *not relieve any person of the obligation to comply with this*
16 *title.*

17 **SEC. 1048. REPEAL.**

18 *The Organotin Antifouling Paint Control Act of 1988*
19 *(33 U.S.C. 2401 et seq.) is repealed.*

Amend the title so as to read: “An Act to authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes.”.

Attest:

Clerk.

H.R. 3619

**HOUSE ADMENDMENTS TO
SENATE AMENDMENT**